

Allocation questionnaire

To be completed by, or on behalf of,

NIELLE YVONNE
SYLVIE KLOSTER OTTEL-
VIT-RAUE

who is [1st] [2nd] [3rd] [] [[Claimant]] [Defendant]
[Part 20 claimant] in this claim

In the WEST LONDON
COUNTY COURT

Claim No. 7 W L 006 2 S

Last date for filing
with court office 14-03-08

Please read the notes on page five before completing the questionnaire.

You should note the date by which it must be returned and the name of the court it should be returned to since this may be different from the court where the proceedings were issued.

If you have settled this claim (or if you settle it on a future date) and do not need to have it heard or tried, you must let the court know immediately.

Have you sent a copy of this completed form to the other party(ies)? Yes No

A Settlement

Do you wish there to be a one month stay to attempt to settle the claim, either by informal discussion or by alternative dispute resolution? Yes No

B Location of trial

Is there any reason why your claim needs to be heard at a particular court? Yes No

If Yes, say which court and why?

(*). But requirement that the case is handled justly and fairly. As per the 'Overriding Objective'

C Pre-action protocols

If an approved pre-action protocol applies to this claim, complete Part 1 only. If not, complete Part 2 only. If you answer 'No' to the question in either Part 1 or 2, please explain the reasons why on a separate sheet and attach it to this questionnaire.

Part 1 The [] protocol applies to this claim.

*please say which protocol

Have you complied with it? Yes No

Part 2 No pre-action protocol applies to this claim.

Have you ^{provided} exchanged information and/or documents (evidence) ^{to} with the other party in order to assist in settling the claim? Yes No

(*). Claimant has not done this
See Documents 1 and 2. Attached

D Case management information

What amount of the claim is in dispute?

Other than having
A £6,100 credit £ unable to
Specify due to
Lack of information

Applications

Have you made any application(s) in this claim?

Yes No

If Yes, what for?

[Empty box for application details]

For hearing on

[Empty box for hearing date]

(e.g. summary judgment, add another party)

Witnesses

So far as you know at this stage, what witnesses of fact do you intend to call at the trial or final hearing including, if appropriate, yourself?

Witness name	Witness to which facts
Aside from myself, unable to say due to lack of information - see attached Documents 1 & 2	

Experts

Do you wish to use expert evidence at the trial or final hearing? (*)

Yes No

Have you already copied any experts' report(s) to the other party(ies)?

None yet obtained Yes No

Do you consider the case suitable for a single joint expert in any field?

Yes No

Please list any single joint experts you propose to use and any other experts you wish to rely on. Identify single joint experts with the initials 'SJ' after their name(s).

Expert's name	Field of expertise (eg. orthopaedic surgeon, surveyor, engineer)
(*) Claimant has not provided information in support See attached Documents 1 & 2 - Hence, unable to answer question	

Do you want your expert(s) to give evidence orally at the trial or final hearing? (*)

Yes No

If Yes, give the reasons why you think oral evidence is necessary:

(*) As per Above

Track

Which track do you consider is most suitable for your claim? Tick one box



- small claims track
- fast track
- multi-track

If you have indicated a track which would not be the normal track for the claim, please give brief reasons for your choice

(*) Unable to answer due to lack of information from the claimant - See Document 1 attached.

E Trial or final hearing

How long do you estimate the trial or final hearing will take?



(SEE ABOVE)

___ days ___ hours ___ minutes

Are there any days when you, an expert or an essential witness will not be able to attend court for the trial or final hearing?

- Yes
- No

If Yes, please give details

Name	Dates not available

F Proposed directions (Parties should agree directions wherever possible)

Have you attached a list of the directions you think appropriate for the management of the claim?

- Yes
- No

If Yes, have they been agreed with the other party(ies)?

- Yes
- No

G Costs

Do not complete this section if you have suggested your case is suitable for the small claims track or you have suggested one of the other tracks and you do not have a solicitor acting for you.

What is your estimate of your costs incurred to date?

£

What do you estimate your overall costs are likely to be?

£

In substantial cases these questions should be answered in compliance with CPR Part 43

H Other information

Have you attached documents to this questionnaire?

Yes No

Have you sent these documents to the other party(ies)?

Yes No

If Yes, when did they receive them?

will receive on 17 March 2008

Do you intend to make any applications in the immediate future? *Not sure* Yes No

If Yes, what for?

In the space below, set out any other information you consider will help the judge to manage the claim.

See attached:

- Document 1 - Information Required from the Claimant
- Document 2 - 4 February 2008 'List of documents Standard Disclosure' from the Claimant.

Signed

Date

14 March 2008

~~[Counsel/Solicitor]~~ [for the] [1st] [2nd] [3rd] [
[Claimant] [Defendant] [Part 20 claimant]

Please enter your firm's name, reference number and full postal address including (if appropriate) details of DX, fax or e-mail

	if applicable			
	fax no.			
	DX no.			
Tel. no.	Postcode		e-mail	
Your reference no.				

1

DOCUMENT 1

2

Information not supplied by the Claimant

3 This document is based on my 12 September 2007 “Defence & Counterclaim” (NB: Not a
4 ‘counterclaim’ as defined by the courts).

5 The Claimant has had my “Defence & Counterclaim” for seven months. Yet, its 4 February 2008 ‘List
6 of Documents - Standard Disclosure’ (attached ¹) does not address the need for evidence in relation
7 to the issues and questions raised in my 12 September 2007 “Defence & Counterclaim”. These are:

8 **1 My position that Rootstock Overseas Corp is *not* my lessor, or landlord, as it does *not***
9 **control the property defined in my lease**

10 (Based on February 2006 Land Registry information): the title transferred from Steel Services Ltd to
11 Rootstock Overseas Corp in May 2006 is Jefferson House - minus - the last floor i.e. the penthouse
12 flat completed in 2005/06; the penthouse flat is a lessee of a superior headlessor, Lavagna
13 Enterprises Ltd. (In December 2005 Steel Services became a lessee of Lavagna Enterprises).

14 I therefore ask: who is my lessor, or landlord, and consequently the entity with which I have a
15 contractual relationship?

16 **2 Two days after the claim was filed in WLCC, Martin Russell Jones (MRJ), ‘managing’**
17 **agents for Jefferson House, sent me a service charge demand that is £225.06 less than**
18 **the claim. What is the explanation?**

19 **3 I have a £6,100 credit following Steel Services non-compliance with consultation**
20 **procedures. It has not been acknowledged** See My Diary 6 May 08

21 (My position, in my 30 March 2005 letter to MRJ, was not challenged).

22 **4 Unexplained drop of £10,000 in service charge demands**

23 In October 2004, MRJ sent me an – unsupported – service charge demand stating “Brought forward
24 balance” of £14,452. In November 2004, I was sent another - equally unsupported - service charge
25 demand stating a “Brought forward balance” of £15,447.

26 I did not pay either of these demands. The next service charge demand, more than one year later, in
27 January 2006, states a “Brought forward balance” of £5,625 i.e. nearly £10,000 less. What is the
28 explanation?

29 **5 My 1.956% share of the service charges has *not* been amended to reflect the addition of**
30 **a penthouse flat (that is seven times the size of my flat), as well as three other flats.**

31 I therefore need to be provided with my revised share of the service charges. I expect this revised
32 share to have kicked-in 2005.

33 **6 2003 service charges**

34 I paid for the major works by accepting Steel Services’ 21 October 2003 ‘offer’ of £6,350.
35 Consequently, I am only liable for expenditure *not* related to the major works (undertaken between
36 September 2004 – early 2006).

¹ 4 February 2008 Rootstock Overseas Corp ‘List of documents – Standard disclosure’

1 The 2003 accounts do not reflect the impact of the 17 June 2003 LVT determination. This makes it
2 impossible for me to determine what I am potentially liable for.

3 I have a Consent Order, dated 3 October 2003, between “Miss N K-Dit-Rawé, Applicant, and Steel
4 Services Ltd, Respondent”, endorsed by MRJ, and my then solicitors, Piper Smith Basham/Watton
5 which states “All or any of the costs incurred, or to be incurred by the Respondent in connection with
6 any proceedings arising out of its application to the Leasehold Valuation Tribunal dated 7 August
7 2002 are not to be regarded as relevant costs to be taken into account in determining the amount of
8 any service charge payable by the Applicant”

9 I have no evidence that it has been taken into consideration.

10 **7 2004 service charges**

11 (The 2004 accounts do not reflect the impact of the 17 June 2003 LVT determination).

12 The Institute of Chartered Accountants for England and Wales has confirmed to me (4 August 2005
13 letter) that the accountant, Pridie Brewster, “does not check the costs for reasonableness”. This
14 breaches Clause 2(2)(e) of my lease and means that I cannot rely on the accounts on which the
15 service charge demand is based.

16 I cannot be made to pay service charges for which I am not liable.

17 (Aside from not reflecting the LVT determination), the accountant's failure to “check the costs for
18 reasonableness” is evidenced by the fact that some of the sums claimed cannot be justified (as
19 explained in my 12 September 2004 “Defence & Counterclaim”) Should read '2007'

20 I also question the apparent shortfall of £98,677 relating to three of Mr Andrew Ladsky's flats.

21 **8 2005 service charges**

22 In breach of Clauses 2(2)(g)(i), 2(2)(e) and 2(2)(f) of my lease, I have not been supplied with the
23 2005 accounts.

24 Nor have I been supplied with a document from the accountant “...specifying the amount of the
25 service charge payable by the lessee” (Clause 2(2)(f) of my lease.

26 Without the legally required supporting evidence, no payment can be demanded of me in relation to
27 2005.

28 **9 2006 “Estimated expenditure”**

29 The “2006 estimated expenditure” is on MRJ headed paper. As per Clause 2(2)(f) of my lease this
30 document should be from the accountant “...the accountant shall prepare a written statement
31 containing a summary of the costs expenses and outgoings incurred by the lessor during the
32 relevant financial year together with any future sums indicated by the accountant pursuant to Clause
33 2 (2) (e).. and specifying the amount of the service charge payable by the lessee...”

34 In addition, I have not been supplied with the 2005 accounts. Without these legally required
35 evidential documents, no payment can be demanded of me for 2006.

36 Furthermore, the “2006 estimated expenditure” to end December 2006 is under the name of Steel
37 Services. How can this be given that Steel Services disposed of its asset to Rootstock in May 2006?

38 The document claims expenditure “for all flats”. This cannot be right given that, from the beginning of
39 2006, Steel Services had lost control of the last floor of Jefferson House.

40 How was my £815 share of the service charges calculated?

Confirmed by
the ICAEW in
its 29 Aug 06
'response' to
my complaint

1 It simply cannot be the case that my half-yearly service charge for the year 2006 is an estimated
2 £815 as it is higher than the amount in the preceding 12 months ((£679) to the start of the works
3 which resulted in: (1) the addition of four flats, including a massive penthouse flat; (2) the complete
4 overhaul of Jefferson House. (In 2003, the amount was also £679)

5 It is clear that some of the sums claimed cannot be justified. (As explained in my 12 September
6 2007 “*Defence & Counterclaim*”)

7 Without the legally required evidence, as well as supporting information, no payment can be
8 demanded of me in relation to 2006.

9 As I wrote in my 12 September 2007 “*Defence & Counterclaim*” “*The clear conclusion is that, while I*
10 *do not know how much I owe – if anything - to whomever my ‘Lessor’ is - in the three groupings of*
11 *service charges, I am certain that I do not owe the sums claimed*”

12 **10 Ground rent**

13 In relation to the ground rent, I require clarification in two instances (Detailed in my “*Defence &*
14 *Counterclaim*”)

15 **11 Electricity charges**

16 As to the electricity charges, (as detailed in my “*Defence & Counterclaim*”) there are discrepancies
17 as I have invoices with different start / end dates / different amounts. There is also evidence of
18 significant overcharge.

19 Directions need to be issued to ensure that the Claimant provides me with the necessary information
20 to defend myself against the claim.

21 Thank you.

22

23 N Klosterkotter-Dit-Rawé

24 cc. Mr Ahmet Jaffer, Portner and Jaskel

PORTNER AND JASKEL LLP

(INCORPORATING GUY DAVIS & CO)

S O L I C I T O R S

Our ref: AJ/vj/23208/2

Your ref:

Date: 7 February 2008

63/65 MARYLEBONE LANE

LONDON W1U 2RA

Telephone: 020 7616 5300

Fax: 020 7258 8520

DX: 9067 West End

Members

Brian Portner

David Baker

Mitchell Griver

Guy Davis

Ms N Y S Klosterkötter-Dit-Rawe

e-mail: ahmet.jaffer@portnerandjaskel.com

Dear Madam

ROOTSTOCK OVERSEAS CORP -V- YOURSELF
WEST LONDON COUNTY COURT
CLAIM NO. 7WL00675

We enclose by way of service upon you our client's List of Documents in this matter.

Please acknowledge receipt of this letter.

Yours faithfully


PORTNER AND JASKEL LLP

Portner and Jaskel LLP is a limited liability partnership registered in England and Wales under number OC314049 and is regulated by the Solicitors Regulation Authority. Our registered office is at 63/65 Marylebone Lane London W1U 2RA.

G:\Bulstrode\data\docs\S\23208 - Sloan Development\002 Miscellaneous Matters\Letters\Mrs N Dit-Rawe - 7th February 2008.doc

List of Documents: Standard Disclosure

Notes

- The rules relating to standard disclosure are contained in Part 31 of the Civil Procedure Rules.
- Documents to be included under standard disclosure are contained in Rule 31.6
- A document has or will have been in your control if you have or have had possession, or a right of possession, of it or a right to inspect or take copies of it.

Disclosure Statement

I, the above named

Claimant Defendant

Party (if party making disclosure is a company, firm or other organisation identify here who the person making the disclosure statement is and why he is the appropriate person to make it)

BARRIE MARTIN - MANAGING AGENT FOR THE CLAIMANT

state that I have carried out a reasonable and proportionate search to locate all the documents which I am

required to disclose under the order made by the court on (date of order)

I did not search for documents:-

pre-dating

located elsewhere than

in categories other than

for electronic documents

I carried out a search for electronic documents contained on or created by the following:
(list what was searched and extent of search)

In the WEST LONDON COUNTY COURT	
Claim No.	7WL00675
Claimant (including ref)	ROOTSTOCK OVERSEAS CORP
Defendant (including ref)	NOELLE YVONNE SLYVIE KLOSTEROTTER-DIT-RAWE
Date	4th February 2008

I did not search for the following:-

documents created before

documents contained on or created by the Claimant Defendant

- | | |
|---|---|
| <input type="checkbox"/> PCs | <input checked="" type="checkbox"/> portable data storage media |
| <input type="checkbox"/> databases | <input checked="" type="checkbox"/> servers |
| <input checked="" type="checkbox"/> back-up tapes | <input checked="" type="checkbox"/> off-site storage |
| <input checked="" type="checkbox"/> mobile phones | <input checked="" type="checkbox"/> laptops |
| <input checked="" type="checkbox"/> notebooks | <input checked="" type="checkbox"/> handheld devices |
| <input checked="" type="checkbox"/> PDA devices | |

documents contained on or created by the Claimant Defendant

- | | |
|---|--|
| <input checked="" type="checkbox"/> mail files | <input checked="" type="checkbox"/> document files |
| <input checked="" type="checkbox"/> calendar files | <input checked="" type="checkbox"/> web-based applications |
| <input checked="" type="checkbox"/> spreadsheet files | <input checked="" type="checkbox"/> graphic and presentation files |

documents other than by reference to the following keyword(s)/concepts
(delete if your search was not confined to specific keywords or concepts)

I certify that I understand the duty of disclosure and to the best of my knowledge I have carried out that duty. I further certify that the list of documents set out in or attached to this form, is a complete list of all documents which are or have been in my control and which I am obliged under the order to disclose.

I understand that I must inform the court and the other parties immediately if any further document required to be disclosed by Rule 31.6 comes into my control at any time before the conclusion of the case.

I have not permitted inspection of documents within the category or class of documents (as set out below) required to be disclosed under Rule 31(6)(b) or (c) on the grounds that to do so would be disproportionate to the issues in the case.

Signed

(Claimant)(Defendant)(s-Litigation Friend)
Managing Agents for Claimant

Date

List and number here, in a convenient order, the documents (or bundles of documents if of the same nature, e.g. invoices) in your control, which you do not object to being inspected. Give a short description of each document or bundle so that it can be identified, and say if it is kept elsewhere i.e. with a bank or solicitor

I have control of the documents numbered and listed here. I do not object to you inspecting them/producing copies.

No.	Item Description	Date
1.	Service Charge Statement	
2.	Original Lease Acrepost Ltd (1) and Defendant (2)	13.02.07
3.	Copy TR1 Form Steel Services Ltd to Rootstock Overseas	10.03.86
4.	Copy TR1 Form Steel Services Ltd to Rootstock Overseas	24.05.06
5.	Office Copy Entries Jefferson House 7-13 (odd) Basil Street SW3 1AX Title No. NGL373333 - Edition Date	08.01.07
6.	Office Copy Entries Jefferson House 7-13 (odd) Basil Street SW3 1AX Title No. NGL373333 - Edition Date	02.08.06
7.	Letter Martin Faulkner to Portner and Jaskel LLP	13.03.06
8.	Correspondence passing between Solicitors for the Claimant and Defendant	06.04.07
9.	Correspondence passing between the Claimant Solicitors and West London County Court	various
		Various
10.	Pleadings	Various

List and number here, as above, the documents in your control which you object to being inspected. (Rule 31.19)

I have control of the documents numbered and listed here, but I object to you inspecting them:

1. Correspondence passing between Claimant, and its Solicitors/Agents.
2. Inter-Office Memorandums, Instructions to Counsel, Advice etc and other such like documents.

Say what your
objections are

I object to you inspecting these documents because:
they are privileged from production.

List and number
here, the documents
you once had in your
control, but which
you no longer have.
For each document
listed, say when
it was last in your
control and where it
is now.

I have had the documents numbered and listed below, but they are no longer in my control.
The originals of those copy documents referred to in the Schedule
overleaf (Page 3, 1 to 12).

