

# Application Notice

You should provide this information for listing the application

1. How do you wish to have your application dealt with

- a) at a hearing?  } complete all questions below  
 b) at a telephone conference?  }  
 c) without a hearing?  complete Qs 5 and 6 below

2. Give a time estimate for the hearing/conference  
 \_\_\_\_\_ (hours) \_\_\_\_\_ (mins)

3. Is this agreed by all parties?  Yes  No

4. Give dates of any trial period or fixed trial date \_\_\_\_\_

5. Level of judge \_\_\_\_\_

6. Parties to be served Partner and Jaskel (already copied)

In the

West London County Court, 181 Talgarth Road,  
 Hammersmith, London W6 8DN

Claim no. 7WL00675 (27 February 2007)

Warrant no.  
 (if applicable)

Claimant  
 (including ref.) Rootstock Overseas Corp  
 (Steel Services on Particulars of  
 claim)

Defendant(s)  
 (including ref.) Noëlle Yvonne Sylvie  
 Klosterkotter-Dit-Rawé

Date 30 April 2008 (Hand-delivered)

Note You must complete Parts A and B, and Part C if applicable. Send any relevant fee and the completed application to the court with any draft order, witness statement or other evidence; and sufficient copies for service on each respondent.

*£40 by cheque.*

## Part A

1. Enter your full name, or name of solicitor

I (~~he~~)<sup>(1)</sup>

(~~on behalf of the claimant~~) (the defendant)

Noëlle Yvonne Sylvie Klosterkotter-Dit-Rawé

2. State clearly what order you are seeking and if possible attach a draft intend to apply for an order ( a draft of which is attached) that<sup>(2)</sup>  
 Application made under Rule 28.4 for variation of the 9 April 2008 Case Management timetable, drawn-up by District Judge Ryan; served on 23 April 2008 (for which I was given seven days to reply)

3. Briefly set out why you are seeking the order. Include the material facts on which you rely, identifying any rule or statutory provision

because<sup>(3)</sup>

Application made in the interests of justice and efficiency by allowing time for the provision of better particulars to allow me to defend myself against the claim: Rule 28 - 3.9 (1) "directions for filing and service of any further information required to clarify either party's case", and PD 28 - 3.3: "The court's first concern will be to ensure...that the necessary evidence is prepared and disclosed"  
 See Part C for detail

## Part B

I (~~we~~) wish to rely on: tick one box

the attached (witness statement)(affidavit)

my statement of case

4. If you are not already a party to the proceedings, you must provide an address for service of documents

evidence in Part C in support of my application

Signed

*Noëlle Yvonne Sylvie Klosterkotter-Dit-Rawé*

Position or office held

(Applicant)(solicitor)(litigation friend)

(if signing on behalf of firm or company)

Address to which documents about this claim should be sent (including reference if appropriate)<sup>(4)</sup>

Tel. no.	A/C No. 23807	Postcode	if applicable	
			fax no.	
			DX no.	
			e-mail	

The court office at

**WEST LONDON COUNTY COURT**

is open from 10am to 4pm Monday to Friday. When corresponding with the court please address forms or letters to the Court Manager and quote the claim number.

N244 Application Notice (4.00)

Printed on behalf of The Court Service

**30 APR 2008**

A/C No. 23807

I (We) wish to rely on the following evidence in support of this application:

(NB: Contrary to CPR 26.9 (1)(a), the court has not supplied me with a copy of the claimant's allocation questionnaire (I copied mine to the claimant at the time of filing it) )

1. TO AMEND DIRECTIONS IN ORDER TO OBTAIN FURTHER INFORMATION (RULE 28 - 3.9(1) )

As repeatedly highlighted to the Court and the Claimant – over the last 12 months - in numerous documents (skeleton argument, defence to the claim, notes to the allocation questionnaire, etc.): I need better particulars to be able to defend myself against the claim – including writing my witness statement. By right, I should have been provided with the main evidence I require a long time ago.

The 9 April 2008 case management timetable makes no provisions to ensure I am supplied with the information I require as: (1) Point 2.a - the deadline for request for copy of documents is 21 May 2008; (2) it does not specify a time limit for reply (PD 28 – 3.9) ; (3) witness statements are to be exchanged two weeks later, on 4 June 2008.

(NB: Under Rules 26.5(3) and 31.12(1) the court had the option of giving directions / issuing an order for specific disclosure. It opted to not do this - in spite of my highlighting the need in the supporting document to my allocation questionnaire).

In the interests of fairness and efficiency, an allowance needs to be built in the timeline to obtain further particulars through requests for information, as well as applications for orders if voluntary requests are unsuccessful – which, given the Claimant's conduct to date, can be safely assumed.

In addition to disclosure orders under Rule 31.12, disclosure orders under Rule 31.17, against other parties (e.g. accountants for Jefferson House; surveyors involved in determining the percentage shares of service charges) may also be required.

There may also be a need to apply, under Rule 18.1, for one or more orders to obtain further information to clarify matters. The preceding step requires first asking the Claimant, allowing 14 days for the reply (PD 18 – 5.1) before making an application for an order.

2. ALL REQUESTS FOR INFORMATION TO BE SUPPLIED BY POST - NOT "FOLLOWING INSPECTION"

Point 2.a of the Order states "or inspection". This is not a practical option. In addition, by right, the documents I require should have been provided to me a long time ago. (I also draw attention to the fact that, in serving various documents over the last 12 months, I have supplied copious copies of my documents - without a prior requirement for 'inspection').

3. INFORMATION TO BE ENDORSED BY STATEMENTS OF TRUTH BY THE SUPPLYING PARTIES (PART 22)

As, in August 2007, the court denied me access to extensive expertise by refusing my legitimate application for transfer of the case to the LVT, I require that disclosure information supplied to me by the Claimant, its accountants, surveyors, lawyers, others, if any - is endorsed b statements of truth. This is to provide me with reassurance on the veracity, authenticity, as well as compliance with my lease and statutory rights in relation to the accounts for Jefferson House, service charge demands and other information to which I am entitled e.g. detail of the ownership profile of Jefferson House.

This is in addition to requiring the same reassurances in relation to the information already supplied to me by the Claimant (accounts, service charge demands, ownership profile of Jefferson House) (PD 22 – 1.5 which allows for subsequent statements of truth)

In highlighting this requirement for statements of truth, I am also conscious of Rule 32.19 (1) "A party shall be deemed to admit the authenticity of a document disclosed to him under Part 31 (disclosure and inspection of documents) unless he serves notice that he wishes the document to be proved at trial"

(Continued on one separate, additional sheet)

Statement of Truth

\*(I believe) \*(The applicant believes) that the facts stated in Part C are true

\*delete as appropriate

Signed

[Handwritten signature]

(Applicant) ~~(Solicitor)~~ ~~(Litigation friend)~~

Position or office held

[Empty box]

(if signing on behalf of firm or company)

Date

30 April 2008

**(Continuation of Part C of application form)**

In this context, I note Rule 32.19 (2) "A notice to prove a document must be served – (a) by the latest date for serving witness statements; or (b) within 7 days of disclosure of the document, whichever is later"

Time allowance also needs to be made for the parties to reply to the applications for orders, and for the court to process the orders.

**4. BUNDLE**

In light of the conduct of the Claimant, the current direction, under point 7, "parties shall endeavour to agree the contents of the bundle before it is filed" needs to be tightened by setting a date for agreement by the parties.

Suggest: "Index to be agreed between the parties 14 days before the hearing"

As the Defendant, I want to ensure that the bundle is as it should be. Consequently, I request that the direction states "Defendant to be supplied with a copy seven days before the hearing" (maximum allowed under Rule 39 3.1) to allow time for amendments.

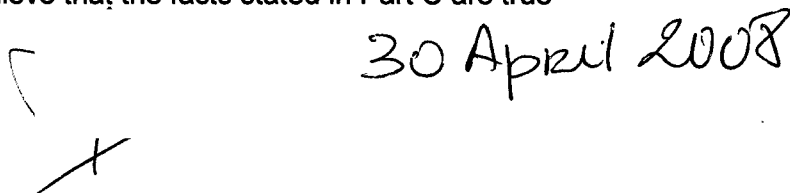
**5. SUGGESTED REVISED TIMETABLE**

Wed 7 May 2008	Standard disclosure list
Wed 21 May 2008	Parties requests for copy of documents and questions
Wed 4 June 2008	Parties deadline for supplying documents – to be supplied by post - and for reply to questions
Wed 4 June 2008	Filing applications for court orders if parties fail to reply
Wed 11 June 2008	Deadline for parties to oppose applications
Wed 18 June 2008	End of court's processing time of orders to supply requested information
Wed 25 June 2008	Deadline for parties to reply to requests for information
Wed 9 July 2008	Deadline for requesting parties to seek clarification on information supplied
Wed 16 July 2008	Deadline for parties to provide answer to requests for clarification
Wed 25 July 2008	Deadline for witness statements
Wed 30 July 2008	Deadline for pre-trial checklist
Fri 8 August 2008	Deadline for agreeing index for bundle
Fri 15 August 2008	Deadline for supply of bundle to Defendant

**The Claimant should note that if it objects to the application, it must write to the court within seven days of receiving this correspondence – as per Rule 23.10 (?) – and ensure that it copies me on its reply.**

- END -

I believe that the facts stated in Part C are true

Handwritten signature and date: 30 April 2008

Court Manager  
West London County Court  
181 Talgarth Road  
Hammersmith  
London W6 8DN

Ms N Klosterkötter-Dit-Rawé

30 April 2008

(Delivered by hand)

Ref: West London County Court claim, Rootstock Overseas Corp / Steel Services Limited  
**7WL 00675**, 27 February 2007

Dear Madam / Sir

**Application for timeline amendments to 9 April 2008 case management order**

Further to the 9 April 2008 case management directions issued by District Judge Ryan, for which I was given seven days to *"apply to have the order set aside, varied or stayed"*, (the directions were posted on 21 April 2008; I took delivery on 23 April 2008), please find enclosed:

1. A completed application notice (Form N244) and continuation of Part C on a one-sided additional sheet <sup>1</sup>
2. Cheque NatWest, number 1475, for £40.00 <sup>2</sup> to cover the cost (as assumed from the EX50 publication, County Court Fees, 1 October 2007, available on HMCS's website)

A copy of the application was sent by recorded post today to the Claimant's solicitors.

Yours faithfully

N Klosterkötter-Dit-Rawé

cc. Mr Ahmet Jaffer, Portner and Jaskel, Solicitors, 63/65 Marylebone Lane, London W1U 2RA

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<sup>1</sup> My 30 April 2008 application

<sup>2</sup> NatWest cheque for £40.00, #1475

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