

Mr Kevin Pogson  
HMCS Regional Director  
2<sup>nd</sup> Floor  
Rose Court  
2 Southwark Bridge  
London SE1 9HS

Ms N Klosterkötter-Dit-Rawé

(Defendant)

13 November 2007

**(By 'Special Delivery')**

Ref: West London County Court claim, **7WL 00675**, dated 27 February 2007

Dear Mr Pogson

**Mishandling of my case ref 7WL 00675 (27 February 2007) by West London County Court (WLCC)**

I am a Litigant in Person. This letter is to require your assistance in ensuring that WLCC proceeds with the handling of my case as per CPR's 'Overriding Objective'.

**1 Background**

On 27 February 2007, Portner and Jaskel, solicitors, London W1U 2RA, filed a claim against me in WLCC in the name of Roostock Overseas Corp (served on 9 March 2007). The claim is a service charge demand in relation to my leasehold flat (at 3 Jefferson House, 11 Basil Street, London SW3 1AX).

I challenge the claim on numerous grounds and hold the view that the nature of the issues to be addressed would be best handled by a Leasehold Valuation Tribunal (LVT).

Consequently, in filing my Acknowledgement of service (attached <sup>1</sup>), I wrote: I "*intend to contest jurisdiction*"

I filed my Evidence on 4 April 2007. (I explained in my 30 June 2007 letter to Portner and Jaskel that I did not copy it on my Evidence for Contesting the Court Jurisdiction because the WLCC guidance notes supplied with the Claim do not stipulate a requirement to do so, and nor could I find this requirement stipulated under CPR 11. I enclosed a copy of my Evidence with my letter)

On 28 April 2007, I took delivery of a WLCC Order dated 19 April 2007 (attached <sup>2</sup>) demanding that I file a Skeleton Argument by 2 May 2007. The unbelievably short deadline led me to phone WLCC to ask for an extension. It gave me an extra day. I therefore filed my Skeleton Argument on 3 May 2007.

This was in anticipation of a hearing due to take place on 8 May 2007 – as stipulated in WLCC's Order of 26 April 2007 (attached <sup>3</sup>)

The 8 May 2007 hearing was cancelled as a result of Portner and Jaskel's 1 May 2007 correspondence to WLCC (attached <sup>4</sup>) stating, among others, that it had "*not received a copy of the Defendant's application to contest the jurisdiction or any evidence in support, nor a copy of the Defendant's Defence*".

**2 Capturing the wrong information on the 3 April 2007 Order and failing to send me an amended version despite four requests since then**

---

<sup>1</sup> My 22 March 2007 Acknowledgement of service

<sup>2</sup> 19 April 2007 WLCC Order

<sup>3</sup> 26 April 2007 WLCC Order

<sup>4</sup> 07.05.01 – Letter from Mr Jeremy Hershkorn, Portner and Jaskel, to WLCC

Portner and Jaskel supplied me with a copy of a WLCC 3 April 2007 'Notice that acknowledgment of service has been filed' (attached <sup>5</sup>). It states *"The defendant responded to the claim indicating an intention to defend part of the claim"*

As can be seen on my Acknowledgement of service (supplied) I wrote, very clearly I believe *"intend to contest jurisdiction"*

In my 30 June 2007 letter (attached <sup>6</sup>), I asked WLCC to send me an amended version. Since then, I have made a further three requests which, to date, have been ignored:

- 12 August 2007 (attached <sup>7</sup>)
- 14 October 2007 (attached <sup>8</sup>)
- 28 October 2007 (attached <sup>9</sup>)

→ I want to know why WLCC is ignoring my request.

I conclude that WLCC is holding information on me that it is inaccurate. Among others, this is a breach of my rights under the Data Protection Act 1998.

As you know, the 'Courts Charter – The Civil Courts' states: *"When you write to the court, and we need to reply, we will: write to you or phone you within 10 working days of receiving your letter"*

**3 Whereas WLCC had been able to schedule a hearing within c. three weeks, when it cancelled the 8 May 2007 hearing it rescheduled it three-and-half months later – claiming that *"there is only one judge in WLCC"***

As can be seen in its 8 May 2007 Order (attached <sup>10</sup>), WLCC rescheduled the hearing for 24 August 2007. When I phoned the court asking why the hearing was scheduled three-and-half months later, I was told that *"there is only one judge in WLCC"*.

Of note: August is the holiday period; the 24<sup>th</sup> is a Friday, just before the last bank holiday of the year.

→ I question the three-and-half month delay in rescheduling the hearing.

The person who presided over the hearing is Deputy Judge McGovern.

The outcome of the hearing is captured in the 24 August 2007 Order from WLCC (attached <sup>11</sup>) (received on 7 September as it was posted second class on 5 September):

1. Application dismissed (Note: This refers to my 3 May 2007 application for transfer of the case to the LVT)
2. Defence & Counterclaim to be filed by 14 September 2007
3. Defendant pay claimant's costs of today assessed at £293.70 by 7 September 2007
- 4. Giving me a three-day notice to pay £1,700 to file a counterclaim and threatening to have my counterclaim "struck-out" if I failed to do this**

---

<sup>5</sup> 07.04.03 – WLCC's 'Notice that acknowledgment of service has been filed' to Portner and Jaskel

<sup>6</sup> My 30 June 2007 letter to West London County Court

<sup>7</sup> My 12 August 2007 letter to West London County Court

<sup>8</sup> My 14 October 2007 letter to West London County Court

<sup>9</sup> My 28 October 2007 letter to West London County Court

<sup>10</sup> 8 May 2007 Order from WLCC

<sup>11</sup> 24 August 2007 Order from WLCC

On 1 October 2007 I phoned WLCC to determine the reason why it had not sent the tape to my nominated company for transcription (expanded in the next point).

I was told that I had to pay £1,700 for filing a counterclaim. I replied that: (1) I had not received any communication to this effect; (2) it was impossible for me to file a counterclaim.

In light of this conversation with WLLC, I wrote a letter the following day, 2 October 2007 (attached <sup>12</sup>) challenging what I had been told by WLCC. (Please note that WLCC already had the main reasons in my 12 September 2007 'Defence & Counterclaim') (~~Attached~~).

The day after i.e. 3 October 2007, I took delivery of a letter from WLCC, dated 27 September 2007 (attached <sup>13</sup>). It states:

*"The court received your counterclaim against the claimant*

*Either a fee of £1,700 or an application for a fee exemption or remission should have accompanied the counterclaim. Neither was enclosed.*

*If by 05 October 2007 you have not paid the fee or applied for a fee exemption or remission, your counterclaim will automatically be struck out without further order of the court. This means that you would not be able to proceed with your counterclaim"*

I view this as bullying and intimidation.

Indeed, leaving aside the main points I raised in my 2 October 2007 letter to WLCC:

- How would I be meant to know that I would have to pay £1,700 to file a counterclaim? Page 2 of the Leaflet EX50 on the HMCS website – at 1 October 2007, does not stipulate an amount.
- I would like to know why it cost somebody £250 to file a fraudulent claim against me (27 February 2007 claim attached <sup>14</sup>) whereas I am expected to pay seven times as much i.e. £1,700 to defend myself against it.
- I also would like to have confirmation that the 27 September 2007 communication from WLCC is as per court regulations.

#### **4 To date, I have not received any communication from WLCC since my 2 October 2007**

Since my 2 October 2007 letter, I have chased a reply from WLCC on:

- 14 October 2007 (attached <sup>15</sup>)
- 28 October 2007 (attached <sup>16</sup>)

To date, I have not received any communication from WLCC.

→ I want to know the reason.

#### **5 A one month delay in sending the tape for transcript to a company, and further delay 'apparently' caused by the court's reviewing process – leading to the transcript being finally available to me ten weeks after the hearing**

---

<sup>12</sup> My 2 October 2007 letter to WLCC

<sup>13</sup> 27 September 2007 from WLCC

<sup>14</sup> 27 February 2007 claim against me

<sup>15</sup> My 14 October 2007 letter to WLCC

<sup>16</sup> My 28 October 2007 letter to WLCC

On 28 August 2007, I sent a letter to WLCC, together with a completed form, requesting that the tape of the hearing be sent to a named company (Beverley F. Nunnery) for transcript. (I copied the court on my correspondence to the company, and likewise) (attached <sup>17</sup> )

As a result of phoning WLCC on 1 October 2007, the company received the tape the following day.

I chased the company for the transcript in a letter dated 28 October 2007. On 31 October 2007 I was told that the "*judgement part of the transcript*" had been sent to WLCC for review, and that I would get the 'hearing part' within 2-3 days.

I sent another chaser letter on 7 November 2007, as I still had not received anything. Finally, on 9 November 2007, I was told that everything was ready. Hence, ten weeks after the hearing. (I collected today and I am in the process of reading it)

→ I want to know why it took WLCC one month to send the tape to Beverley F. Nunnery

→ I also want to know the reason for the subsequent delay.

Finally, as I wrote in my 28 October 2007 letter to WLCC: → I want to know "what is / are the next steps?"

→ Why has WLCC gone into 'silent mode'?

This claim has now been 'hanging over my head for nine months'. I want to exert my right to defend myself against it and to have my case dealt with justly and fairly by WLCC i.e. as per the Overriding Objective'

Thank you in anticipation of your assistance.

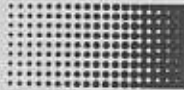
Yours sincerely

N K-Dit-Rawé

---

<sup>17</sup> My 28 August 2007 letter to WLCC and to Beverley F. Nunnery  
Page 4 of 4

Royal Mail  
special delivery



guaranteed by 1pm

next day

**to** Name Kevin Pogson  
 Address ATCS Regent Rd  
2nd Floor - Rose Court  
2 Southwark Bridge  
London  
 Postcode SE19HS

Moneyback guarantee for delay. You can claim compensation of up to £500 for lost or damaged items.

- Tick if you want a higher than standard compensation limit (this costs more).  
 Tick one level Up to £1,000  Up to £2,500
- Write your address below.
- Hand this label and your package in at a Post Office® branch.

Ref: ZV 6818 3484 8GB



Post Office Ltd.  
Your Receipt

Canary Wharf  
5 Chancellor Passage  
Canary Wharf  
London  
Greater London +  
E14 4PA

VAT REG No. 243 1700 02  
14/11/2007 12:16  
SESSION : 2-2538563-2

Post Label SD  
 1 @ 4.75 4.75  
 TOTAL DUE TO POST OFFICE 4.75  
 Cash FROM CUSTOMER 4.75  
 BALANCE 0.00

PLEASE RETAIN THIS RECEIPT AS PROOF OF POSTING FOR ITEMS LISTED BELOW


ITEM NO	BUILDING NAME OR NUMBER	POSTCODE
1	.....	.....
2	.....	.....
3	.....	.....
4	.....	.....

Thank You

13 November 2007 letter to K Pogson, HMCS Regional Director

http://www.royalmail.com/portal/rm/trackresults?catId=22700601&pageId=trt\_rmresultspage&keyname=3A\_track&requestid=162006


[Delivery Services](#) | [Marketing Services](#) | [Logistics Services](#) | [Discounts & Payment](#)


[Log in](#) | [Register](#) 

Home > Track and trace >

## Track & Trace

Please enter your [13 digit reference number](#)  
e.g. AA 0001 0001 9GB

[Track item](#) 

[How to find your reference number](#) 


### Delivered

Your item with reference ZV681834848GB was delivered from our SOUTHWARK Delivery Office on 15/11/07 .

Thank you for using this service.

We can confirm that this item was delivered before the guaranteed time.

The electronic Proof of Delivery may not be available for this item yet. Please allow up to 72 hours

[View Proof of Delivery](#) 

**SENDING** | **TRACKING**