Mrs Paulette James
Customer Service Unit
Her Majesty Court Service
5th Floor Clive House
70 Petty France
London SW1H 9HD

Ms Noëlle Klosterkotter-Dit-Rawé
[ ]
[ ]
[ ]

(Defendant)

(By *'Recorded Delivery'*)

Your ref: CSU/23013
My reference: West London County Court (WLCC) *"Roostock* [Rootstock] *Overseas Corp"* 7WL00675

28 January 2008

Dear Mrs James

ABSOLUTE CONFIRMATION OF COLLUSION

I note that you are the fourth person getting involved in the follow-up to my complaint. Should this be viewed as an example of 'passing the hot potato' / spreading the responsibility for the follow-up?

1 Your point about my addressing my correspondence to Mr Jack Straw, that he is *"unable to respond personally to all correspondence he receives from individual members of the public"*

(Looks like a lot of *"individual members of the public"* find it necessary to contact Mr Straw).

By the time I sent my 13 November 2007 complaint, WLCC had gone into 'silent mode' for six weeks. It remained in 'silent mode' after your Office informed it of my complaint. In addition, another two weeks were (initially) added to the original deadline of end November for reply to my complaint.

By 11 December, WLCC was still in 'silent mode'. By then nearly 10 weeks had gone by since it received my 2 October 2007 letter.

Considering the massive loss of credibility suffered by various Cabinet Ministers and, by extension, the government, following the recent losses of the personal records of millions of people, dumping of people's medical records in the gutter, etc., I hold the view that Mr Straw should be made aware of what is going on in his department - thereby providing him with the opportunity to take action. Hence, I am – yet again – copying him on this letter.

As the Court Service is called 'Her Majesty Court Service', are you perhaps suggesting that I should have addressed my 'cry for help' to Her Majesty the Queen?

2 Misrepresentation by WLCC in its 3 April 2007 'Notice' of what I wrote in my 22 March 2007 Acknowledgment of Service

You brush aside my complaint by stating *"That the claimant had been made aware of your correct intention was indicated by their letter to the court of early May in which they stated that they had not had sight of either an application contesting the court's jurisdiction, or your evidence to support that contention"*

This is a misrepresentation on two counts.

Firstly, as the 1 May 2007 letter from Mr Jeremy Hershkorn, Portner and Jaskel, to WLCC demonstrates - on the face of it (*) – he was ***not*** aware that I had filed an Acknowledgment of Service stating I *"intend to contest jurisdiction"*, as he wrote in the third paragraph: *"We wish to bring to the Court's immediate attention that apart from receiving Notice that an Acknowledgement of Service has been filed by the Defendant dated 3rd April 2007 (a copy of which we enclose) we have not received anything further from the Defendant or the Court"* (my underlining)

(*) 'On the face of it' as it is abundantly clear that Portner and Jaskel had been in contact with WLCC during the month of April: point 2 of the 19 April 2007 Order from WLCC reads *"In view of the defendants application the claimants request for judgment is refused"*

Secondly, in the follow-on sentence in his 1 May 2007 letter to WLCC, Mr Hershkorn wrote: *"Neither have we 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"*.

You misrepresented what he wrote as you omitted the last part of the sentence *"nor a copy of the Defendant's Defence"*.

3 WLCC ignoring my repeated requests for an amended version of its 3 April 2007 'Notice'

Thank you for correcting me on the fact that I referred to the document as an 'order' instead of a 'notice'.

Thank you also for your apology but, why should it come from you? Surely, it ought to be made by WLCC's Court Manager.

A corrected version of the 'notice' was finally sent to me on 10 January 2008 i.e. more than six months after my original request.

My obviously knowing what I wrote on the acknowledgment of service is totally beside the point. What matters is what is on record in my file. I have the statutory right to demand that information held about me is correct – and to have this confirmed to me.

4 Re. your statement that the adjournment of the 8 May 2007 hearing is due to my "*not following the correct procedural rules"*

You state that Portner and Jaskel's application for adjournment of the 8 May 2007 hearing *"…would not have been necessary had you filed an application regarding the court's jurisdiction as you were meant to do under the procedural rules. The procedure to be followed where an acknowledgement of service indicates an intention to contest the court's jurisdiction is set out on the form. It makes it quite clear that you must file an application in support of your contention within 14 days of filing the acknowledgment"*

I **DID** file an application contesting the court's jurisdiction **within 14 days of filing the 22 March 2007 acknowledgment of service**. I titled my 4 April 2007, 20-page document "*Application to West London County Court under Civil Procedure Rules (CPR) Rule 11 – Disputing the court's jurisdiction re. Claim 7WL00675"*. (The second part of the title to my document reads "*Second application: An Extended Civil Restraint Order against the 'Landlord'*).

(In the right hand corner of every page, I provided all the essential information about the claim: its number, date when it was filed, name of 'claimants', my name and the address of my flat, *"details of claim"*)

In my application, I refer to 64 evidential documents. I supplied a copy of these documents as appendices, having them bound together with my 20-page document. Also bound with this document, is a copy of my 22 March 2007 acknowledgment of service, I used as the front cover i.e. placed it as the first page of the document.

I sent the bound document – by 'special delivery' on 4 April 2007. The Royal Mail tracking service confirmed that my document was delivered to WLCC on 5 April 2007.

On 5 April 2007, the day WLCC received my document, I received a call on the number I provided on my acknowledgment of service. Having determined who I was, the person put the phone down. My 'sixth sense' led me to suspect that the caller was from WLCC and that my contesting the court's jurisdiction was not the expected reply. The fact that WLCC appears to have failed to tell you that I sent a 4 April 2007 application, confirms my suspicion.

5 Other than stating that an application to contest the court's jurisdiction must be filed within 14 days of filing the acknowledgment of service, none of the documents I was sent provide guidance to defendants who opt to contest the court's jurisdiction

On the acknowledgment of service, the note next to *"3. I intend to contest jurisdiction"* reads: *"If you do not file an application to dispute the jurisdiction of the court within 14 days of the date of filing this acknowledgment of service, it will be assumed that you accept the court's jurisdiction and judgment may be entered against you"*

The 'Notes for defendant on replying to the claim form' read: *"If you need longer than 14 days to prepare your defence or to contest the court's jurisdiction to try the claim, complete the Acknowledgement of*

Service form and send it to the court within 14 days. This will allow you 28 days from the date of service of the particulars of claim to file your defence or make an application to contest the court's jurisdiction. The court will tell the claimant that your acknowledgement of service has been received"

This is the sum total of the guidance provided in relation to contesting the court's jurisdiction.

Being a Litigant in Person, I had to consult the CPR to determine the form and content of an application for contesting the jurisdiction of a court. I found this under CPR Part 11 – 'Procedure for disputing the court's jurisdiction'. Rule 4(b) states that an application must *"be supported by evidence"*. Hence, the document I produced.

As I explained to Portner and Jaskel in my 30 June 2007 letter (on which I copied WLCC), the reason I had not copied it on my 4 April 2007 application contesting the court's jurisdiction is that the information supplied with the claim does not stipulate a need to do so – and CPR 11 do not state a requirement to serve a copy of the evidence on the other party.

6 Re. your replies to my complaint that I had not heard from WLCC since its 29 September 2007 correspondence

6.1 Your reply - *"The short answer is that neither you, nor the claimant, have taken any further action since that time"*

So, it's up to me to manage the case? How silly of me: from reading, among others the CPR, I understood that it was the job of the courts to manage cases.

As the implication that the Court Service is 'self-service', how about I issue my own judgment as well? I sure like that idea.

6.2 Your comments that *"…judicial case management is only invoked when the court is satisfied that it has before it a claim and a valid defence. It is unclear because of the striking out of your counterclaim whether that is the situation with this case, for example, you have made no formal application to reinstate your counterclaim"*

What a concoction!

1. Who has determined that my defence is 'not valid'?

2. *"the striking out of* [my] *counterclaim"*? There is no counterclaim *"to strike out"*, for the simple reason that I did **not** file a counterclaim. Yes, I titled my 12 September 2007 document *"Defence & Counterclaim"*. I did this because this is what WLCC had written under point 2 of its 24 August 2007 order *"Defence & Counterclaim to be filed by 14 September 2007"* (and it made sense to me, as I am making 'counterclaims' in my document 'in defence' of the claims against me).

   WLCC knows perfectly well that it is impossible for me to file a counterclaim as I do not have the necessary information to do this. What its claim amounts to saying is that:

   - It expected me to file a counterclaim against an unspecified entity
   - For an unspecified amount.

7 About my challenging the £1,700 fee, your replies – *"You had not put any limit on your counterclaim. In circumstances where the claim or counterclaim is unspecified, the court must charge the maximum fee of £1,700"*

You cannot even agree among yourselves on 'the story' you are going to spin.

Indeed, I remind you of the initial reply of 20 December 2007 from your Office: a claim that the demand of £1,700 was because I had *"stated in my counterclaim"* a sum of *"£20,713.18"* i.e. twice the amount of the claim against me. In making this claim, WLCC misrepresented what I wrote under point 2, page 1 of my 12 September 2007 *"Defence & Counterclaim"*.

As I exposed this misrepresentation, while still continuing to challenge the £1,700 fee, the story now being spun - based on having *"made further extensive queries"* – is that I 'apparently' *"filed a counterclaim"* for

"an unspecified amount" and that *"in these circumstances the court must charge the maximum fee of £1,700"*.

When will you all stop 'digging your hole' – and 'come clean'?

8 Your comment – *"You have asked if the process of requesting the counterclaim fee and striking out for failure to pay is regulated. The short answer is that it is"*

Firstly, I note that you have not replied to my question: is the 27 September 2007 communication from WLCC compliant with court regulations?

It seems to me from CPR Rule 3.1 that the correct form of correspondence should have been an 'order': (3) *"When the court makes an order, it may"* (a) *"make it subject to conditions, including a condition to pay a sum of money into court"* (b) *"specify the consequence of failure to comply the order or a condition"*

Looking at the rules under CPR 3.7A (1-8), I cannot see anywhere a rule that allows bullying (*) and intimidation of defendants by the courts by:

(1) 'dropping on them' a demand for £1,700

(The 27 September 2007 communication states: *"Either a fee of £1,700 or an application for a fee exemption or remission should have accompanied the counterclaim. Neither was enclosed"* As I have stated in my 13 November 2007 complaint, how would have I been meant to know the fee? Oh dear! Oh dear! There I go again with my 'silly questions'. Of course I 'ought' to have known - because the Court Service is 'self service', and it's therefore up to me to manage all the aspects of the case, right?)

(2) giving them a three-working day notice to pay this substantial sum

(3) and concluding with *"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"*

(*) Actually, 'blackmail' 'might' be more appropriate in the circumstances: Theft Act - S.24(1) - *"A person is guilty of blackmail if, with a view to gain for himself or another…or with intent to cause loss to another, he makes any unwarranted demand with menaces..."*

My perception of this 27 September 2007 correspondence from WLCC – added to WLCC going into 'silent mode' - is that it is 'part and parcel' of a plan intended to prevent my case from proceeding to a hearing – in front of a 'real judge' i.e. a judge committed to the concept of justice.

Further evidence in support of my position:

(1) WLCC waited until - 7 January 2008 (!!!) - to send me an Order stating *"The Defendant having failed to comply with the Court's request by letter dated 27 September 2007 to pay the Counterclaim fee, the Counterclaim stands struck out"*

The counterclaim is dated 19 December 2007 and gives the processing date (?) as 4 January 2008.

Firstly, as I had not filed a counterclaim (my 2 October 2007 letter to WLCC explains in detail why I could not have done it – amounting to a repeat of what I had previously communicated to WLCC), I perceive this Order as 'lunacy'.

Secondly, considering that the 27 September 2007 correspondence gives a 5 October 2007 deadline for payment, failing which the counterclaim *"will be struck out"*, WLCC waited nearly three months to send this order. Can this be considered as compliant with regulation for "*striking out for failure to pay"*? I think not.

What prompted this much delayed action by WLCC clearly intended to 'tie-up the loose ends'? My guess: (1) having been silent for seven months (to see what would happen), on 17 December I updated my website (www.leasehold-outrage.com) relating, among others, events that have taken place with WLCC; (2) the header of my 27 December 2007 letter to your Office *"Confirmation of collusion"*.

(2) The highly contradicting explanations for the demand of the £1,700 fee *"to file a counterclaim"*

9 Re. the fact that the statement of truth in the WLCC 29 November 2002 claim was signed by Ms Joan Hathaway, *"managing agent"* - your comment *"whether this represents a serious procedural breach or invalidates the evidence concerned…is again a matter for a judge to decide should you choose to raise the issue. It is unclear whether you took that step or simply raise it now as a further element of your complaint"*

It is the duty of the courts to ensure they operate under the 'Overriding Objective'. I have enough on my hands with fighting against repeated 'attacks' from a rogue landlord and his equally rogue aides, without taking on the responsibility of the courts. As a taxpayer, paying for the Court Service, I expect delivery on what I am paying for.

By the way, had the current 27 February 2007 fraudulent claim not been filed against me, I would not have found out about this breach of CPR 22 – 3.11, as I stumbled on it as a result of going through CPR – to ensure that - this time - I am 'armed' with as much knowledge as I can 'cram in'.

10 Your comment (still in relation to the statement of truth being signed by the managing agents): *"I understand, however, that that particular case was transferred to Wandsworth County Court some time ago"*

I fail to see the relevance of your point: (1) to my knowledge, the courts are not stand-alone franchises; (2) judges move from court to court. My points are supported by the Orders I have been sent *"This case may be released to another judge, possibly at a different court"*

11 Your comment: *"…I have found no evidence…which suggests you have been denied a fair hearing since the matter has not yet come to a final hearing. I cannot therefore confirm your complaint in this respect"*

You appear to not understand the meaning of *"so that"* (I can exercise my rights for a *"fair hearing"* and *"effective remedy"*).

Concise Oxford English Dictionary definition of 'so that' *"with the result or aim that"*

Any fair minded, reasonable person who looks at the events that have taken place in WLCC in 2002-2004, and so far this year, would, I am sure, understand my position.

12 Your comments that to get my case transferred to another court I *"will have to make a formal application giving* [my] *reasons and supporting evidence"*, and that my *"application will attract a fee"*

I have sent a 26 January 2008 application for transfer of my case out of WLCC, addressing it *"To: A Judge committed to the concept of Justice, c/o of West London County Court"*

As a (law abiding) British National, I have the right to demand access to the 'justice' system. And, as through taxes, I am already paying for a Court Service that is positioned to ensure I get 'justice', I expect to get this service at no additional cost i.e. not needing to pay for the cost of transferring my case to a court and a judge committed to operating under the Overriding Objective.

13 Re. your comment that *"Judges are independent of Government and must be free to make decisions without any external influences"*

In light of my very comprehensive first-hand experience and that of other leaseholders at Jefferson House with WLCC and Wandsworth County Court, added to the experience of numerous other leaseholders I am in contact with (through C.A.R.L. (Campaign for the Abolition of Residential Leasehold)), it is clear that **there is a 'behind the scene force'** which, more often than not, leads to a strong bias in favour of landlords in residential leasehold cases.

Is this bias predominantly the outcome of judges not being provided with the information they need (from the courts files) to arrive at fair and just decisions? My 'gut feel' answer? Yes.

14 Your comment *"So far as your allegations of collusion are concerned, I have found no evidence whatsoever to support your contention…"*

From where I am standing, it looks to me like the 'severe case of blindness' that was evident in 2002-2004 is continuing. *"No evidence in support of my allegations of collusion"*?

Whereas before I headed my letters to your Office with *"confirmation of collusion"*, I am now changing this to *"Absolute confirmation of collusion"*

At the end of 2003 when I finally admitted to myself that the system was heavily biased towards landlords and, hence, that I was not going to get justice (as defined in my so-called 'statutory rights') – against my moral principles – I accepted 'Steel Services' offer of £6,350. Legally, I did not owe this sum. I said that I was doing it *"for the sake of bringing the dispute to an end"*. That would not do. Mr Andrew Ladsky had to take revenge for my daring to stand-up to him, fighting for my so-called 'rights'.

Since then, with the aide of the infrastructure supporting the leasehold system, Mr Ladsky has been dragging me back down into the residential leasehold hell hole.

It may be that I end-up being 'spitted out' on the pavement because your combined actions will have reduced me to being destitute, but, as I hold my placard *"Victim of leasehold fraud"*, 'I' will stand tall, with my head held high knowing that, throughout, I have retained my integrity and moral principles. I will be able to tell myself: *"I have done absolutely everything I could in the face of one of the most corrupt systems in the world"*.

How about you, 'Officer of the Order of the British Empire' (as you took the trouble to state this in your signature), what will you be able to say if I end-up on the pavement?

The one thing that all the parties who have acted against me (and my fellow leaseholders) in one way or another since 2002 can say is: *"we did what we did, said what we said, wrote what we wrote all for the sake of a penthouse flat and three other flats"*.

The latest on the penthouse flat (that was *"categorically not going to be built"* because *"the scheme was not a viable proposition"*)? In October 2007 somebody ensured I was sent a sales brochure from Knight Frank, estate agents. It states: *"…have recently sold for a record price"*. The price on the brochure states: *"£6,500,000"*.

Instead of, to this day, all of you 'aiming your guns at me', why don't you turn your attention to the rogue landlord and his equally rogue aides who have so consistently demonstrated that they hold your judiciary in absolute, utter contempt? They have made your courts pursue false claims by providing false evidence – which they endorsed by signing statements of truth – in the process leading your courts to take unjust actions against me and other leaseholders; have lied in an Expert Witness report; have knowingly committed an abuse of process of court; have lied by stating that they have not received documents, etc, etc. Why is it that all of you are 'blind' to all that has – and continues to take place?

From where I am standing, the fact that, in spite of my endless protests (as reflected in my voluminous amount of correspondence) the harassment and injustice are continuing, I am bound to arrive at just one answer: collusion. What other conclusion can there be?

I really wish I could say: this is all due to massive negligence and incompetence. At least, this would give me some hope. But, I cannot bring myself to accept this explanation.

You don't like my honesty, my being very direct? I appreciate that my manner is 'un-British' but, it works both ways: provide me with the opportunity to give praise and I will be as equally open and direct in voicing it. You cannot begin to imagine how much I wish I could say: *"I have finally got justice and redress – and this is all thanks to…"*

I no longer wish to correspond with your Office as it is proving to be a waste of my time. So please, inform your colleague, Mr Danny O'Sullivan that I do not wish to receive any more communication. Thank you.

Yours sincerely

Noëlle Rawé, A law-abiding person with strongly held moral principles of right and wrong, and integrity…suffering the terrible consequences of falling into the residential leasehold trap

cc. The Rt. Hon. Jack Straw, MP, Justice Secretary, Ministry of Justice, Selbourne House, 54 Victoria Street, London SW1E 6QW (By '*Recorded Delivery*')

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