

PORTNER AND JASKEL LLP
S O L I C I T O R S

Our ref: AJ/vj/23208/2
Your ref:
Date: 26th September 2007

Ms N Y S Klosterkotter-Dit-Rawe

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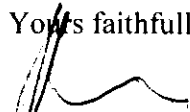
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Dear Madam

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

We enclose by way of service our client's Defence to Counterclaim, receipt of which kindly acknowledge.

Yours faithfully



PORTNER AND JASKEL LLP

IN THE WEST LONDON COUNTY COURT

CLAIM NO.7WL00675

BETWEEN:

ROOTSTOCK OVERSEAS CORP

Claimant /
Part 20 Defendant

-and-

NOËLLE YVONNE SYLVIE KLOSTERKOTTER-DIT-RAWÉ

Defendant /
Part 20 Claimant

DEFENCE TO COUNTERCLAIM

1. The Defendant served a Defence and Counterclaim on the Claimant on 12 September 2007.
2. The Claimant contends that the Defendant's Defence and Counterclaim contains no counterclaim.
3. The Claimant relies on a note taken by Counsel at the hearing on 24 August 2007 and avers that Deputy District Judge McGovern granted the Defendant permission (out of time) to file a Defence, and file a counterclaim if appropriate.
4. The Claimant contends that it must plainly be the case that the Defendant is under no obligation to file a counterclaim, if on the facts of her case there are no grounds for one. Notwithstanding the bare words of the typed court order, the Claimant contends that the court granted the Defendant permission to file a Defence and Counterclaim, one of the two, or neither.

5. Further or alternatively, the Claimant relies on the Defendant's own pleading in reliance of the contention that it contains no counterclaim. In her pleading (at Page 2 of 20, at the heading numbered three, paragraphs 12 and 13), the Defendant states as follows:

"The third outcome of the 24 August 2007 hearing was an order for the Defendant to file her "Defence and Counterclaim" by 14 September 2007."

"This document represents the Defendant's Defence - still in her capacity as a Litigant in Person."

The Claimant submits that the Defendant refers to her pleading as a Defence. The Defendant does not assert in her pleading that the document is a counterclaim (save than in the title and statement of truth), and furthermore does not plead any counterclaim at all.

6. Without any admission whatsoever as to the merits of the pleading as a Defence, the Claimant asserts for the avoidance of doubt that this pleading does not contain a counterclaim.
7. Further or alternatively to paragraphs 2 - 6 above, any counterclaim is denied.

GREG WILLIAMS

STATEMENT OF TRUTH

The Claimant believes that the facts stated in this Defence to Counterclaim are true. I am duly authorised to sign this statement of truth.

Signed:



Name:

AHMET JAFFER

Capacity

Litigation Executive

Date:

28/9/07

Solicitors Address for Service:

Messrs Portner & Jaskell LLP, 63/65
Marylebone Lane, London W1U 2RA.

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CLAIM NO: 7WL00675

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ROOTSTOCK OVERSEAS CORP

Claimant/
Part 20 Defendant

And

NOELLE YVONNE SYLVIE KLOSTERKOTTER-DIT-RAWE

Defendant/
Part 20 Claimant

DEFENCE TO COUNTERCLAIM

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Solicitors for the Claimant/Part 20 Defendant