

Court Clerk
West London County Court
43 North End Road
West Kensington
London W14 8SZ

(Defendant #2)
Ms N Klosterkotter-Dit-Rawé
3 Jefferson House
11 Basil Street
London SW3 1AX
Tel:

(By Special Delivery on 21 June)

20 June 2004

Dear Madam/ Sir

Your Ref: Claimant No WL203 537 - Steel Services Limited

Yet again, I am suffering extreme anguish and distress because of your Court's carelessness

1. In my letter dated 19 May 2003 to your Court I asked that you please inform me of developments as I had not heard anything from your Court subsequent to the following events:
 - your sending to the Claimant Steel Services a '*Standard order for failure to file listing questionnaires*', dated 21 April 2004, giving it until 7 May "*to file and serve pre-trial checklist*"
 - a telephone conversation I had with your Court on 14 May during which I was told that the Claimant, Steel Services, had filed a Listing Questionnaire, as well as paid fees for a hearing.
2. By the time I went on holiday I had not heard anything from your Court. I was on holiday from 25 May and out of the country. On my return on 4 June I discovered that:
 - A hearing had taken place on 28 May at 10:00
3. **1. It is your Court's fault that I was not present at the 28 May 2004 hearing:**
 - In spite of the Royal Courts of Justice Advice Bureau specifically telling you in their 2 April 2004 letter: "*The second Defendant awaits hearing from the Court accordingly. As stated, she is not represented and we would be most grateful if you would **contact her directly** as per her details in the Listing Questionnaire*" (to which I will also add the 'Notice of Acting in Person' I sent your Court in January).
4.
 - You sent the 'Notice of Directions Hearing' to the Royal Courts of Justice Advice Bureau, instead of sending it to me.
 - ➔ **Why is it that your Court did not comply with instructions?**
5.
 - By the time my Advisor got hold of the notice I was on holiday. Having realised that I was on holiday, she contacted your Court - at least 24 hours before the hearing - to inform you of the situation. In spite of this, your Court nonetheless opted to proceed with the hearing.
 - ➔ **Given (1) this notice by the RCJ Advisor (2) the fact that it was your Court's fault that I would not be attending the hearing, why did your Court nonetheless proceed with the hearing on 28 May 2004?**
6.
 - Your notice is dated 18 May 2004. The stamp from the RCJ Advice Bureau indicates that they received it on 21 May 2004.
7.
 - You gave just **one week notice** of the hearing.
 - ➔ **Why is it that your Court did not give more notice of the hearing?**
8. **2. Your Court has yet to send the tape of the hearing to Beverley F. Nunnery & Co**

I was in a frantic state. I immediately went to your Court (i.e. on Friday 4 June) to request a

transcript of the hearing.

9. I was told that **no** hearing had taken place.

When I challenged this by showing the 28 May letter from CKFT which states: “*you did not attend the hearing on 28 May*”, the person went to check a file and, on his return said: “*This took place in Chambers*”. He also added: “*People don’t normally ask for a transcript of this type of hearing*” and that “*in any case, you will receive something from the Court*”.

I replied that I was not interested in what other people did or did not do. A hearing had taken place without my being present - due to the Court’s fault - and I wanted to know exactly what had been said.

10. I completed the ‘*Tape Transcription*’ form – selecting the firm of Beverley F. Nunnery & Co to do the transcript – and gave the form to the man to stamp it. As he was returning the form to me I asked him whether he should not perhaps make a copy for the file. “*Oh yes!*” was the reply. He made the copy which he gave me, and kept the original.
11. On Monday 7 June I faxed the ‘*Tape Transcription*’ form to Beverley F. Nunnery & Co. Since then, I have been checking several times with them to determine whether they had received the tape. The last time I did this was Friday 18 June and they still had not received it.
12. Please ensure that this tape is sent immediately to Beverley F. Nunnery & Co so that they can transcribe it.
13. This is extremely important given what I have since received from your Court.

14. **3. The order made at the 28 May 2004 hearing that the claim against me be “stayed” cannot be granted**

15. Your Court has sent me a ‘General Form of Judgment of Order’ – dated 8 June 2004 – which states:

“Before District Judge Madge sitting in private... Upon hearing a solicitor for the claimant and the defendant not attending. It is ordered that:

Point # 4 – Terms having been agreed, the claim against the second defendant be stayed”

16. The terms I have agreed with the Claimant are by means of a Consent Order – see attached ¹ and my covering letter to CKFT ², as well as correspondence exchanged with the Claimant. In particular:

- Their letter dated 17 February 2004 in which they state: “*...our client is prepared to accept the sums provided by you in full and final settlement of the sums outstanding to it*”³
- My letter to CKFT dated 8 June 2004 in which I also enclosed the £15.00 Court fee for approval of the Consent Order ⁴
- CKFT’s reply dated 15 June 2004 stating that it had submitted the Consent Order to your Court for its approval ⁵

17. Since this action has been concluded by Consent Order and the Claimant has accepted payment from me – the second Defendant - in full and final settlement of their claim, **no order to stay this action can be granted.**

18. Hence, **the order dated 28 May 2004 MUST BE CHANGED. Please, take the necessary steps**

¹ Consent Order dated 24 April 2004 signed by both, the Defendant and the Claimant

² My covering letter to CKFT, dated 26 May 2004

³ Letter from CKFT, dated 17 February 2004

⁴ My letter to CKFT, dated 8 June 2004

⁵ Letter from CKFT, dated 15 June 2004

to ensure that this is carried out and confirm to me in writing – by return of post.

19. Although the second sentence of the 'General Form of Judgment or Order' states: "... *and the defendant not attending*" i.e. has the word 'defendant' in the singular, my understanding of the remaining points ie points 1, 2, 3 and 5 is that they refer to the fifth Defendant.
20. However, the other correspondence you sent me suggests otherwise.
21. **4. Another communication from your Court states that my case "has been transferred to Wandsworth County Court for listing for trial before Circuit Judge" without any explanation whatsoever**
22. In the same post as the 'General Form of Judgment of Order', your Court also sent me a 'Notice of Transfer of Proceedings' dated 9 June 2004. It specifically gives my name as the 'Defendant'.
23. The sum total of what is on this order is as follows:

"To all parties

As a result of an order made on 28 May 2004, this claim has been transferred to the Wandsworth County Court for listing and trial before Circuit Judge"
24. Hence:
 - **There is no explanation as to why my case has been transferred to Wandsworth County Court**
 - **There is no explanation whatsoever as to what the statement "listing and trial before Circuit Judge" refers to. What hearing? Why? For what? When?**
 - **There are no contact details for Wandsworth County Court (address, telephone number)**
25. I phoned your Court to ask why my case had been transferred to Wandsworth County Court. The reply was: "*I don't know, I can't tell you because your file has been transferred*".
26. I also asked, what is the hearing about? For what? Given that an agreement has been reached – and that this is captured under point 4 of the 8 June 2004 'General form of judgment or order'. Again, I received the same reply: "*I don't know, your file has been transferred*"
27. I then phoned Wandsworth County Court. They had not received my file.
28. They confirmed having been notified that my file was being sent over to them but said that there was no explanation as the reason for the transfer.
29. This makes it all the more critical for me to have a full transcript of the 28 May 2004 hearing. Hence, I will again stress the importance to your Court of **sending the tape immediately to Beverley F.Nunnery & Co** – (bearing in mind that I handed the completed Tape Transcription form to your Court 2 weeks ago).
30. **Has my file actually been transferred to Wandsworth County Court? Please, confirm.**
31. So, yet again - because of your Court's carelessness - I find myself in a state of extreme anguish and distress as I simply do not understand what is going on.
32. Please reply by return of post, addressing in particular points: 4, 5, 7, 12, 18, 19, 20, 24, 26, 29 and 30.

Yours faithfully

N Klosterkotter-Dit-Rawé

Royal Mail
special delivery



guaranteed by 12 noon

next day

to

Name

Courtklerk

Address

West London County
Court
43 North End Rd
London

Postcode

W14 8SZ

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