

**CILEX Level 3 Certificate in Law and Practice/
CILEX Level 3 Professional Diploma in Law and Practice**

Unit 9 – Civil Litigation

Case study materials

November 2023

Information for candidates

- You should familiarise yourself with these case study materials before the examination, taking time to consider the themes raised in the materials.
- You should consider the way in which your knowledge and understanding relate to these materials.
- In the examination, you will be presented with a set of questions which will relate to these materials.
- You may discuss these materials with your tutor(s).

Instructions and information to candidates during the examination

- You are allowed to take your own clean/unannotated copy of this document into the examination. Alternatively, you can access the electronic version of this document in the examination.
- You are **not** allowed access to any statute books in the examination.
- You must comply with the CILEX Exam Regulations – Online Exams at Accredited Centres/CILEX Exam Regulations – Online Exams with Remote Invigilation.

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CASE STUDY MATERIALS

ADVANCE INSTRUCTIONS TO CANDIDATES

You are a trainee lawyer in the firm of Kempstons, Manor House, Bedford, MK42 7AB. You are part of the civil litigation team and your supervising partner is Emma Bianchi. The nearest county court is Bedford.

Emma would like you to continue with your training in the litigation department and to this end she has left some files on your desk that she would like you to work on. She has provided you with a memorandum, which sets out further information on the files she has given you.

Document 1 Memorandum from Emma Bianchi to trainee lawyer

Document 2 Telephone message concerning Tammy Burton

Document 3 Extract from the Terms and Conditions of Easy Estate Agents Ltd

Document 4 Incident Report relating to Jamie Varma

Document 5 Judgment for Claimant in Default Against Rodney Jones Architect Services Ltd

MEMORANDUM FROM EMMA BIANCHI TO TRAINEE LAWYER

To: Trainee Lawyer
From: Emma Bianchi
Date: [Today's date]

I have left a number of files on your desk. Please make sure that you read through them carefully and ensure that you carry out the required work. To assist, I have provided this brief summary.

1. **Barbara Burton.** Ms Burton has left a telephone message concerning injuries that her daughter, Tammy Burton, has sustained (**Document 2**). Please arrange for Ms Burton to come to the office for a meeting.
2. The **Easy Estate Agents Ltd** file (ref: EEA/EB/391/23). Easy Estate Agents Ltd (EEA), contracted with Ms Ndidi Okoro to advertise her house for sale at £750,000. Four weeks into the agreement, Ms Okoro informed EEA that she had entered into a contract with another estate agent, which had sold her house for the £750,000 asking price. Ms Okoro had signed EEA's terms and conditions (**Document 3**) and Mary Haskill, the managing director of EEA, is now seeking the £37,500 + VAT that is owed.
3. The **Jamie Varma** file (ref: JV/EB/128/23). You will find on file a brief incident report concerning the injury sustained by Mr Jamie Varma (**Document 4**). Mr Varma's employer has indicated that he holds him partially responsible for the injuries he sustained, as he should have read the safety instructions before using the pressure cooker. Please move this matter along.
4. The **Tony Parsons** file (ref: TP/EB/93/23). Tony Parsons is an established client and has engaged us to pursue Rodney Jones Architect Services Ltd. Rodney Jones, the managing director of Rodney Jones Architect Services Ltd, was contracted to design a substantial extension to Mr Parson's home.

The builders carried out the work to the specifications provided by Rodney Jones and because of the mistakes made in the plans the work has cost a further £22,000 to put right. You will find on the file the Court Order (**Document 5**) for Judgment in Default. Please enforce the Order.

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DOCUMENT 2

TELEPHONE MESSAGE CONCERNING TAMMY BURTON

From: Barbara Burton
For: Emma Bianchi
Time/Date: 10:45 [Today's date]
Message Taker: David Richardson
Telephone No.: 0101 857494

Barbara Burton telephoned seeking advice and representation for her daughter, Tammy Burton.

Tammy is 16 years of age and was involved in an accident at the Polong Ice Rink in Kempston, four years ago (Tammy was aged 12 at the time of the incident).

The ice rink was very crowded and Tammy was pushed over. Another skater at the ice rink caught Tammy in the face with their ice skate, fracturing her cheekbone and causing extensive facial scarring.

As soon as the owner of the ice rink, Freddie Longworth, was made aware of the incident he cleared the ice rink and called for an ambulance. Tammy was taken to hospital, where her injuries were treated.

It was expected that Tammy would initially have little scarring on her face, however as time has gone by the scars have become more pronounced. Barbara Burton would like about £25,000 from Freddie Longworth so that Tammy can have plastic surgery.

The individual who caused the injuries was never found and Barbara Burton believes that the injuries were due to too many people being allowed on the rink at the same time. She holds Freddie Longworth fully responsible for the injuries that her daughter sustained.

Please contact Barbara Burton as soon as possible to arrange a meeting.

EXTRACT FROM THE TERMS AND CONDITIONS OF EASY ESTATE AGENTS LTD

4. Sole Agency Agreement

By signing this agreement, you agree to appoint us as the Sole Agent for the sale of the Property.

This agreement is for a minimum term of twenty-four (24) weeks and will continue until such time as contracts have been exchanged and completion has taken place, or reasonable notice has been given by either party to terminate this agreement.

You must not appoint another agent to market the property until the notice period has expired.

You will be liable to pay remuneration to us, in addition to any other costs or charges agreed, if at any time unconditional contracts for the sale of the Property are exchanged:

(a) with a purchaser introduced by us during the period of our sole agency or with whom we had negotiations about the property during that period; or

(b) with a purchaser introduced by another agent during that period.

5. Sale Fee

Our fully inclusive Sale Fee will be 5.0% plus VAT.

The Sale Fee will become payable when unconditional contracts for sale have been exchanged.

By signing this agreement, you agree to our Sale Fee being settled in full, from the proceeds of the sale, by your solicitor/conveyancer on the date of completion, who we will instruct on your behalf on acceptance of an agreeable offer.

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INCIDENT REPORT RELATING TO JAMIE VARMA

Incident Report

Client: Jamie Varma

Mr Varma is 38 years of age and for the past six months has worked as a chef at Maddisons, a restaurant.

Three weeks ago, Horace Lenkin, the owner of the restaurant, asked Mr Varma to use a pressure cooker to produce a new recipe.

Mr Varma had not used a pressure cooker before, and he informed Mr Lenkin that he was not comfortable using one. Mr Lenkin informed Mr Varma that a pressure cooker was easy enough to use and that the recipe required one to be used.

Mr Varma was not wholly convinced but he agreed to use the pressure cooker. That day he prepared the recipe and put it into the pressure cooker to cook. Never having used the device before, Mr Varma filled the pressure cooker to the brim and placed it on the cooker.

Excessive pressure built up because it was too full and the pressure release vent was unable to operate correctly. As a consequence, the pressure cooker exploded. Mr Varma was hit by scalding liquid on his right arm, causing second-degree burns damage to his skin.

An ambulance was called and Mr Varma was taken to hospital, where his burns were treated. It is expected that he will make a full recovery but there will be scarring to his arm as a consequence of the injury.

I estimate the damages to be in the region of £20,000.

JUDGMENT FOR CLAIMANT IN DEFAULT AGAINST RODNEY JONES ARCHITECT SERVICES LTD

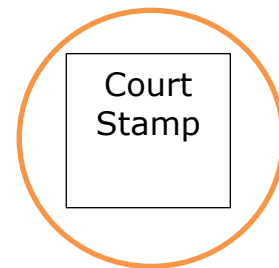
Judgment for Claimant
(in default)

Claim No: 6H437122
In the County Court
Money Claims Centre

Claimant	Tony Parsons
Name and Address for Payment	Tony Parsons 16 Redfern Avenue Kempston K21 3JP

Ref/Tel No.	4LD457
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Rodney Jones Architect Services Ltd
3 Thames Road
Kempston
K82 3DF



To the Defendant

You have not replied to the claim form.

It is therefore ordered that you must pay the claimant £22,000 [and interest to date of judgment] and £255 for costs [less £0.00 which you have already paid]

You must pay the claimant a total of £22,255 forthwith

Warning

If you ignore this order your goods may be removed and sold, or other enforcement proceedings may be taken against you. If this happens, further costs will be added. If your circumstances change and you cannot pay, ask at the court office what you can do.

End of the case study materials

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