



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

Unit 9 – Civil Litigation

Case study materials

January 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.

Turn over

CASE STUDY MATERIALS

ADVANCE INSTRUCTIONS TO CANDIDATES

You are a trainee lawyer employed by the firm of Kempstons of Manor House, Bedford, MK42 7AB. You work in the civil litigation department and your supervising partner is Hannah Zielinski. Your nearest County Court is Bedford. As you have successfully completed a number of tasks for Hannah, she would now like you to start taking a more active role in the litigation department.

She has left some files on your desk that she would like you to work on. She has also provided you with a memorandum, which gives further information on the files provided.

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| Document 1 | Memorandum from Hannah Zielinski to Trainee Lawyer |
| Document 2 | Incident Report relating to Patricia Waddington |
| Document 3 | Email from Henry Pearson |
| Document 4 | Attendance Note Relating to Akunna Yakubu |
| Document 5 | Email from Cripton Hotels Ltd to Montgomery Laundry Services Ltd |

MEMORANDUM FROM HANNAH ZIELINSKI TO TRAINEE LAWYER

To: Trainee Lawyer
From: Hannah Zielinski
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. The **Patricia Waddington file** (ref: PW/HZ/007/22). You will find on file an Incident Report in relation to a personal injury claim (**Document 2**). Having now received Counsel's Opinion on the claim (**not reproduced**), the damages are likely to be in the region of £20,000. Please begin the procedure to recover the damages as a matter of urgency.
2. The **Henry Pearson file** (ref: HP/HZ/136/22). You will see on the file a copy of the email received from Mr Pearson (**Document 3**). Mr Pearson owns an off-road experience centre and has sought to extend his business by purchasing a second-hand vehicle from Offroaders R US Ltd. The vehicle is not of satisfactory quality and despite Mr Pearson contacting Offroaders R US Ltd., they refuse to come and collect the vehicle, insisting that he pay the outstanding money. Mr Pearson has now received a Letter of Claim (**not reproduced**) from Offroaders R US Ltd. and we will need to defend the claim.
3. The **Akunna Yakubu file** (ref: AY/HZ/67/22). On the file is an Attendance Note (**Document 4**) concerning the injuries that Mr Yakubu sustained at his place of work. Please make an appointment with Mr Yakubu to discuss funding and moving the claim on.
4. The **Montgomery Laundry Services Ltd.** file (ref: MLS/HZ/94/22). Six months ago, Montgomery Laundry Services Ltd. entered into a contract (**not reproduced**) for £47,000 with Cipton Hotels Ltd., to undertake the laundry service for their 36 hotels in England and Wales for a period of one year. However, Steve Machin, the managing director of Montgomery Laundry Services Ltd., has received an email from Amanda Clunes, the managing director of Cipton Hotels Ltd., terminating the contract (**Document 5**). Steve Machin is keen to maintain a business relationship with Cipton Hotels Ltd. if at all possible.

INCIDENT REPORT RELATING TO PATRICIA WADDINGTON

Patricia Waddington is 36 years old and lives at 48 Firtree Drive, Kempston MK23 8RB. On the morning of 2 September 2020, she went to Kempston Swimming Pool. The swimming pool is owned and run by Kempston Council.

While Ms Waddington was walking from the changing room to the pool, she slipped, fell over and suffered injuries. The area where she fell had not been cleaned for some time and there was a build-up of algae. Due to the injuries, she sustained, she was taken to Kempston Hospital for treatment.

As a result of the fall, Ms Waddington suffered torn ligaments in her ankle as well as knee injuries. She finds it difficult to stand and to walk for prolonged periods and has stiffness in her foot. As a result of her injuries, she can no longer undertake her recreational activities of playing tennis and going for long walks. The prognosis in relation to the ankle injury is that she is likely to recover in the long term, but that there will always be some weakness.

I have had the opportunity to visit the site of the accident and take photographs (**not reproduced**). It is clear that the Council has started a more rigorous cleaning regime at the swimming pool and that there is no longer a build-up of algae where Ms Waddington slipped over.

The Council insists that Ms Waddington should have realised that the area around any swimming pool would be slippery and that she is solely responsible for her injuries. As a consequence the Council will not compensate her for the injuries she sustained.

Hannah Zielinski

EMAIL FROM HENRY PEARSON

To: Hannah.Zielinski@kempstons.org
From: henry.pearson@blink.co.uk
Date: [Today's date]
Re: Offroaders R US Ltd

Hello Hannah

I hope you are well.

I have had a further conversation with Ivor Linkton, the managing director of Offroaders R Us Ltd, and he is still insisting that there is nothing wrong with the vehicle and I need to pay the £44,000.

There is no way I am paying for something that does not work and I expect he will take it to court.

If I get anything through the post, I will send it on to you.

Regards
Henry Pearson

ATTENDANCE NOTE RELATING TO AKUNNA YAKUBU

Attendance on: Akunna Yakubu

Attended by: Hannah Zielinski

Date: [Today's date]

Time taken: 30 minutes – attendance

5 minutes – dictating attendance note

Attending Akunna Yakubu, an employee of Chop Chop Ltd., a company that restores classic cars. Akunna has worked as a mechanic for the company for the last six years. He is not a member of a trade union.

On 13 May 2022, Akunna was restoring a car that was on the hydraulic lift. Once under the car, he started to remove the old brake lines and while doing so the hydraulic lift failed and fell, trapping his left hand. Another mechanic quickly raised the hydraulic lift, releasing Akunna's left hand.

The company first aider attended Akunna immediately and an ambulance was called. Akunna was taken directly to hospital. The doctors advised that the crush injury that Akunna had sustained would mean that he would lose some movement in his left hand. However, he would still be able to grip tools and work as a mechanic. Akunna has since returned to work as a mechanic for the company.

We are yet to seek counsel's advice but on the basis of previous claims, I calculate the value of the claim to be in the region of £20,000.

Have yet to discuss with Akunna the potential funding options for a Claim, this initial meeting not being charged to the client.

Hannah Zielinski

EMAIL FROM CRIPTON HOTELS LTD. TO MONTGOMERY LAUNDRY SERVICES LTD.

To: Steve.Machin@MLS.co.uk
From: A.Clunes@Criptonhotels.co.uk
Sent: [Today's date]
Subject: Laundry Contract

Dear Mr Machin

Unfortunately, we no longer require your company's services. I am aware that there is a further six months on the contract but having contacted other laundries it is clear that your charges are far too expensive. As such, we have entered into a new contract with a more competitive company.

I wish to make it clear that this is not a reflection on your work. Perhaps if you consider reducing your contract rate we could work together in the future.

Regards
Amanda Clunes
Managing Director
Cripton Hotels Ltd.

End of the case study materials

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