

**CASE STUDY MATERIALS**

June 2021  
Level 3  
CIVIL LITIGATION  
Subject Code L3-9



**THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES**

**UNIT 9 – CIVIL LITIGATION\***

**CASE STUDY MATERIALS**

**Information for Candidates on Using the Case Study Materials**

- This document contains the case study materials for your examination.
- In the examination, you will be presented with a set of questions which will relate to these case study materials. You will be required to answer **all** the questions on the examination paper.
- You should familiarise yourself with these case study materials prior to the examination, taking time to consider the themes raised in the materials.
- You should take the opportunity to discuss these materials with your tutor/s either face-to-face or electronically.
- It is recommended that you consider the way in which your knowledge and understanding relate to these case study materials.

**Instructions to Candidates Before the Examination**

- A clean/unannotated copy of the case study materials is attached to this examination.
- You are permitted to take your own clean/unannotated copy of the case study materials into the examination. You are **NOT** permitted to take any other materials including notes or textbooks.
- In the examination, candidates must comply with the CILEx Examination Regulations – Online Examinations or with the CILEx Examination Regulations – Online Examinations with Remote Invigilation.

***Turn over***

\* This unit is a component of the **CILEx LEVEL 3 PROFESSIONAL QUALIFICATIONS** and **LEVEL 3 LEGAL SERVICES KNOWLEDGE QUALIFICATIONS**

## 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 Mei Wang. The nearest county court is Bedford.

Mei 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 Mei Wang to trainee lawyer
- Document 2**            Letter from Terry Bovis of Terry's Computers to Holly Graves
- Document 3**            Extract from Particulars of Claim issued by Little Tinkers Ltd
- Document 4**            Letter from Stop & Go Solicitors
- Document 5**            Attendance note relating to Zofia Kowalski

**DOCUMENT 1**

**MEMORANDUM FROM MEI WANG TO TRAINEE LAWYER**

**To:** Trainee Lawyer  
**From:** Mei Wang  
**Date:** [Today's date]

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

1. The **Holly Graves** file (file ref: HG/MW/54/21). Holly Graves went to the shop owned by Terry Bovis, called Terry's Computers, to purchase a new laptop. Holly Graves entered the shop and walked towards the counter. The shop was being refitted, and she did not see a box of fittings that was in the aisle, and she fell and tripped over it.

She put her arms out to break her fall, and both her wrists were seriously injured. Damages are estimated to be in the region of £22,000. Holly Graves has now received a letter from Terry Bovis (**Document 2**).

2. The **Space Babies Clothing Ltd** file (file ref: SBC/MW/98/21). We act for the Defendant, Space Babies Clothing Ltd (SBC), which sells children's clothing. On 28 January 2021, SBC contracted with Little Tinkers Ltd (LT), a manufacturer of clothing, for £30,500 of children's clothing to be delivered to SBC's warehouse at Kempston on 8 February 2021.

The goods did not arrive until 11 February and, having inspected the clothing, SBC was of the opinion that too many of the garments were of a poor standard. SBC sought to reject the consignment on the same day, and contacted LT to come and collect the clothing. The managing director of LT, Jeremy Bliss, telephoned on 12 February, stating that LT would not collect the clothing and that 'he wanted his money'.

On 15 February, SBC received an incorrect invoice for £32,500, which it refused to pay. LT has now issued proceedings; the Particulars of Claim are on file (**Document 3**). Please deal with this as a matter of urgency.

3. The **Richard and Kerry Temple** file (file ref: RKT/MW/68/21). We act for Richard and Kerry Temple in their claim against Frank Harvey Architects for design work on an extension to their house. The architects were instructed in relation to changes required to the building specifications, to ensure compliance with building regulations.

The changes were not incorporated into the plans and, consequently, the costs of ensuring compliance are in the region of £20,000. Proceedings have been issued and a Defence has been filed [**not provided**]. You will see on the file a letter received from the solicitors acting for Frank Harvey Architects (**Document 4**).

4. The **Zofia Kowalski** file (file ref: ZK/MW/28/21). You will find on the file an attendance note (**Document 5**) relating to the personal injuries that Mrs Zofia Kowalski sustained. Please arrange an appointment for her to come to the office.

**Turn over**

DOCUMENT 2

**LETTER FROM TERRY BOVIS OF  
TERRY'S COMPUTERS TO HOLLY GRAVES**

Terry's Computers  
Feltchurch Road  
Kempston  
MK43 4DF

[Date]

Ms Holly Graves  
3 Enopes Lane  
Kempston  
MK23 8FK

Dear Ms Graves

**Re: Injuries Sustained at Shop**

I am sorry that you injured yourself, but I cannot take any responsibility for what happened. The shop was being refitted and you would have been able to see that from when you entered.

You decided to go down that particular aisle, despite the fact that there were signs directing you to go around, to the counter. As such, you must take full responsibility for the injuries you sustained.

Yours sincerely

Terry Bovis

Terry's Computers

**DOCUMENT 3**

**EXTRACT FROM PARTICULARS OF CLAIM  
ISSUED BY LITTLE TINKERS LTD**

**Particulars of Claim**

1. On 28 January 2021 the Claimant entered into a contract for the sale of 28,000 pieces of assorted children's clothing (the 'Goods') to the Defendant.
2. The Claimant agreed to sell and the Defendant agreed to buy the Goods for the sum of £32,500.
3. The Claimant subsequently delivered the Goods to the Defendant at its warehouse on 8 February 2021.
4. The Defendant attempted to reject the goods on 11 February 2021 on the basis that the Goods were not of satisfactory quality.
5. The Goods delivered to the Defendant were of satisfactory quality and the Defendant had no right to reject the goods delivered.
6. Following delivery, the Claimant issued an invoice to the Defendant with payment terms of 28 days from the date of delivery.
7. In breach of contract, the Defendant has failed to pay the invoice in part, or at all.

...

***Turn over***

DOCUMENT 4

LETTER FROM STOP & GO SOLICITORS

Stop & Go Solicitors  
1 The Mews  
Bedford  
MK70 2GM

Kempstons  
The Manor House  
Bedford  
MK42 7AB

Our ref: FHA/VA/102/21  
Your ref: RKT/MW/68/21

[Date]

Dear Sirs

**Re: Richard and Kerry Temple v Frank Harvey Architects**

**Claim No: BD43994**

We are in receipt of your list of documents, as per the standard direction relating to disclosure.

Unfortunately, our client does not have any documents to disclose. All relevant documents have been included in your list.

For whatever reason our client has failed to keep documents, including notes relating to the meetings with your clients in respect of any changes required to the proposed building.

We therefore believe that a list of documents from our client is unnecessary.

Yours faithfully,

Stop & Go Solicitors

**DOCUMENT 5**

**ATTENDANCE NOTE RELATING TO ZOFIA KOWALSKI**

Attendance on: Zofia Kowalski  
Attended by: Mei Wang  
Date: [Date]  
Time Taken: 30 minutes – attendance  
5 minutes – dictating attendance note

Attending Zofia Kowalski.

Mrs Kowalski is the sole owner of 32 Kernel Avenue, Kempston, MK21 8SD. The property is old and required some rewiring to ensure it was safe. She employed Bertie Armstrong, a qualified electrician, to rewire the property. He undertook the work on 22 June 2020.

On 8 February 2021, Mrs Kowalski was changing a lightbulb in her kitchen, when she received an electric shock. The resultant injuries she sustained were not only due to the electric shock, which caused burns to her right hand and subsequent nerve damage, but due to her falling off the chair she was standing on to change the lightbulb.

Luckily, Mr Kowalski was in the property at the time and called for an ambulance, which took Mrs Kowalski to hospital. The hospital X-rayed Mrs Kowalski's leg and found that she had a fractured hip due to the fall. Her leg was put in plaster and she has remained housebound since.

Mrs Kowalski has had another electrician visit the house and carry out an inspection of the wiring, as she suspects that the work carried out by Bertie Armstrong was substandard, and that it was his failure to wire the house properly which led to her being electrocuted. She is currently awaiting the report from the electrician and is likely to have it for her next appointment.

I estimate that, should Bertie Armstrong be found to have been negligent, then the damages that Mrs Kowalski would expect to be awarded would be in the region of £20,000. This, of course, will be dependent upon her making a full recovery from her injuries, which her consultant believes will be the case.

Mrs Kowalski is to make an appointment to discuss funding and how we can move the matter forward.

**End of Case Study Materials**