

January 2022
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.

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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 Jakub Nowak. The nearest county court is Bedford.

Jakub would like you to continue with your training in the litigation department and, to this end, he has left some files on your desk that he would like you to work on. He has provided you with a Memorandum, which sets out further information on the files he has given you. The documents are:

Document 1 Memorandum from Jakub Nowak to trainee lawyer

Document 2 Email from Jenny Billington of Samsi Sanpo Ltd

Document 3 Letter to Rex Manning of Detro Jenks Ltd from Louise Allard

Document 4 Incident Report relating to the Personal Injury of Adaku Emecheta

Document 5 Judgment for Claimant in Default against Tina Castle

DOCUMENT 1

MEMORANDUM FROM JAKUB NOWAK TO TRAINEE LAWYER

To: Trainee Lawyer
From: Jakub Nowak
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 **Samsi Sanpo Ltd** file (file ref: SS/JN/942/21). Jenny Billington is the managing director of Samsi Sanpo Ltd and we have acted for them since the company started. The company runs a successful wholesale electrical business in Kempston. You will see from the email (**Document 2**) that Jenny Billington wants us to pursue Peter Trent for the outstanding monies. Please make sure that you move things along as quickly as possible.
2. The **Detro Jenks Ltd** file (file ref: DJ/JN/432/21). Rex Manning, the managing director of Detro Jenks Ltd, has received an informal letter from a previous employee, Louise Allard (**Document 3**). Rex Manning has made his insurer aware that they are happy for us to deal with the matter. Rex Manning is adamant that the company is not wholly responsible for the injuries that Louise Allard sustained when she used machinery in a way which caused her injury. Louise Allard had removed the guard and it was because of this that she sustained injuries.
3. The **Adaku Emecheta** file (file ref: AE/JN/68/21). You will find on file a brief incident report concerning the injury sustained by Mrs Adaku Emecheta (**Document 4**). I have had a reply from Mr Briggs [**not reproduced**], who has indicated that it was not him who kicked the ball and that neither he nor his children are responsible for Mrs Emecheta's injuries. Mrs Emecheta is adamant that the injuries were caused by the actions of Mr Briggs. Please move this matter along.
4. The **Tina Castle** file (file ref: TC/JN/28/21). Tina Castle has just returned from an extended holiday and found that judgment has been entered against her by Jerry Rifkin Builders Ltd (**Document 5**). Tina Castle disputes that the money is owed, as the work carried out by Jerry Rifkin Builders on her property was poorly executed and has actually cost a further £10,000 to put right. Please make this case a priority.

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EMAIL FROM JENNY BILLINGTON OF SAMSI SANPO LTD

To: jakub.nowak@kempstons.org
From: jenny.billington@samsisanpo.co.uk
Date: [Today's date]
Subject: Peter Trent

Hello Jakub,

Peter Trent should have paid the outstanding balance of £22,000 on his account some weeks ago. He is avoiding my phone calls and I suspect that he has not got the money to pay. I have heard that his shop on the High Street is not doing so well.

We don't normally allow such an amount to build up, but Peter Trent has been a good customer in the past and we expected him to pay off the money he owes. The company cannot afford at the moment to have such a large amount owing, and I would like you to begin court proceedings for recovery.

Regards
Jenny

Managing Director
Samsi Sanpo Ltd

Registered Office
Jenkins Warehouse
Proctor Lane
Kempston
MK42 3DP

LETTER TO REX MANNING OF DETRO JENKS LTD
FROM LOUISE ALLARD

Louise Allard
1 Tate Mews
Kempston
MK18 9QR

[Date]

Rex Manning
Managing Director
Detro Jenks Ltd
Kempston
MK43 3DR

Dear Rex

Personal Injury

Despite you telling me at the time of the accident it would all be okay, my injuries have not got any better and I deserve some compensation.

I have spoken to a friend who thinks I should make an application online for the compensation. He said it is really straightforward. I would rather not have to go to the trouble if we can come to an arrangement: £9,000 should do it.

I hope to hear from you soon, otherwise I will do as my friend suggests.

Yours sincerely

Louise Allard

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**INCIDENT REPORT RELATING TO THE PERSONAL INJURY
OF ADAKU EMECHETA**

On the afternoon of 5 August 2021, Mrs Adaku Emecheta was walking along Teldor Avenue in Kempston on her way home from shopping. She noticed that there were some young people playing in the road with a football.

As she was crossing the road to go into Rosewood Close, she was hit in the face with a football. This caused Mrs Emecheta to lose her balance and she fell on to the hard road surface. When Mrs Emecheta was hit by the football, she did not know who had kicked it. However, a man who she now knows as Mr Harry Briggs, an adult, rushed over to her to see if he could help her.

Mrs Emecheta was in a lot of pain, but she remembers Mr Briggs saying something like: 'Sorry, I did not mean this to happen. I was only trying to show the kids how to play football.' On attending Mrs Emecheta, Mr Briggs could see that she was badly injured and he called an ambulance. The ambulance arrived within 20 minutes and took Mrs Emecheta to hospital.

Mrs Emecheta suffers from brittle bone disease, which causes her bones to break easily. In the fall, Mrs Emecheta received fractures to a number of vertebrae in her back. It is likely that these fractures will have some long-term effect and will reduce Mrs Emecheta's mobility by about 10%.

Taking into account her age (68), the claim for compensation is likely to be in the region of £23,000. The injury that Mrs Emecheta has sustained has meant that she is likely to need some adaptations to her house, including a stairlift.

Mrs Emecheta's son was able to track down Mr Briggs after the accident and has his address. Contact will need to be made with Mr Briggs to progress the claim.

JUDGMENT FOR CLAIMANT IN DEFAULT AGAINST TINA CASTLE

Judgment for Claimant
(in default)

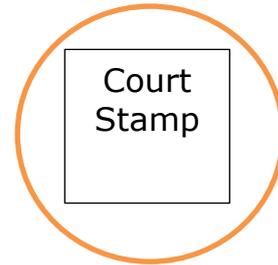
Claim No: 8F394322
In the County Court
Money Claims Centre

Claimant Jerry Rifkin Builders Ltd

Name and Address for Payment Jerry Rifkin Builders Ltd
16 The Keys
Kempston
KL4 3LM

Ref/Tel No. 4LD457

Tina Castle
43 Frobisher Road
Kempston
KP2 4LT



To the Defendant

You have not replied to the claim form.

It is therefore ordered that you must pay the claimant £28,000 for debt [and interest to date of judgment] and £240 for costs [less £0.00 which you have already paid].

You must pay the claimant a total of £28,240 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 Case Study Materials