

**CASE STUDY MATERIALS**

January 2017  
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**

- You will be provided with a clean copy of the case study materials in the examination.
- You are **NOT** permitted to take your own copy of the case study materials or any other materials including notes or textbooks into the examination.
- In the examination, candidates must comply with the CILEx Examination Regulations.

***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 Amanda Travis.

Amanda 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 Amanda Travis to trainee lawyer
- Document 2**      Letter from Medshire County Council
- Document 3**      Incident report relating to Holly Robins
- Document 4**      Email from Ratcliffe Hampson of Ida Idea LLP
- Document 5**      Extract from Hinter & Brookes Surveyors Ltd Terms and Conditions

**DOCUMENT 1**

**MEMORANDUM FROM AMANDA TRAVIS TO TRAINEE LAWYER**

**To:** Trainee Lawyer  
**From:** Amanda Travis  
**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 **Alfredas Sabonis** file (file ref: AS/AT/110/16). Our client is a keen cyclist and has been injured as a result of the tramlines that run down Medshire High Street. Mr Sabonis's front wheel became trapped in one of the tramlines and as a consequence he was thrown from his bicycle. The injuries he sustained were serious and have meant that he has not been able to pursue his hobby of cycling in the short term. Counsel estimates the damages to be in the region of £18,000. Mr Sabonis has received a letter from Medshire County Council (**Document 2**), which indicates that the council is not willing to accept liability for the injuries he sustained.
2. The **Tamara Johnson t/a Johnson's House of Fun** file (file ref: TJ-JHF/AT/89/16). Tamara Johnson has received an informal letter from Dorothy Robins concerning an incident that occurred nearly five years ago. Tamara Johnson is now concerned that legal action will be taken against her. I have compiled a brief incident report (**Document 3**) to assist you in advising her when she has her next appointment.
3. The **Ida Idea LLP** file (file ref: IIL/AT/123/17). We have acted for Ida Idea LLP since the business started. The business sells items from its warehouse in Kempston. Gabrielle Mider bulk-purchased from Ida Idea £16,000 worth of Hellpoint phone chargers (invoice no. 3423). She is claiming that one of the phone chargers that she sold to one of her customers caused a fire and is refusing to pay Ida Idea LLP for any of the phone chargers she has purchased. You will see from the email (**Document 4**) that Ratcliffe Hampson very much doubts that one of the chargers caused a fire. The owners of Ida Idea LLP, Ratcliffe and Fallon Hampson, are very good clients, so make sure you move things along quickly.
4. The **Stella Edubamo** file (file ref: SE/AT/143/17). Stella Edubamo purchased Heathergar House in September 2016. Before doing so, she had a full survey undertaken by Hinter & Brookes Surveyors Ltd. She has since discovered that there is damp on two of the interior walls, preventing her from inhabiting three of the six rooms on the first floor. The damp was not mentioned in the surveyor's report and, relying on the accuracy of the report, Stella Edubamo purchased the property for £495,000. Had Stella Edubamo been aware of the damp, she would have likely bought the property for a reduced price of £450,000. When Stella Edubamo contacted the surveyor, John Brookes, the managing director of Hinter & Brookes Surveyors Ltd, he merely referred her to the company's terms and conditions (**Document 5**). Stella Edubamo has made it clear that she is not prepared to undertake dispute resolution and has instructed us to begin proceedings.

**Turn over**

DOCUMENT 2

LETTER FROM MEDSHIRE COUNTY COUNCIL

Medshire County Council  
Middle Tap House  
Medshire  
MK11 4AB

[Date]

Mr Alfredas Sabonis  
Flat 3  
Ridlington House  
Medshire  
MK11 2PG

Dear Mr Sabonis

**Re: Injuries sustained on Medshire High Street**

Further to your recent correspondence concerning the injuries you sustained on Medshire High Street, I am writing to you to confirm that no further action will be taken in respect of this matter.

We have had a number of reported accidents similar to your own which, after further investigation, have been found to be bogus. Although we are not inferring that you are attempting to make a bogus claim against the Council at this stage, we feel it would be in all our interests if the matter proceeded no further.

Yours sincerely

*E. Sumner*

Ellis Sumner  
Chief Executive  
Medshire County Council

**DOCUMENT 3**

**INCIDENT REPORT RELATING TO HOLLY ROBINS**

In September 2012, Dorothy Robins took her daughter Holly Robins (aged 11 at the time of the incident) to the Reddings Travelling Fair in Medshire. The fair contained a number of amusement rides, which came together once a year in Medshire. One of the rides at the fair was Johnson's House of Fun, a local business owned and run by Tamara Johnson.

The Robins family attended the fair on the last day and it was particularly busy, with a large number of children wanting to go in the House of Fun. Dorothy Robins paid the entrance fee for herself and Holly Robins to enter the House of Fun, and proceeded through the various parts of the ride.

When the Robins family came to the moving floor, Holly Robins fell over and was initially laughing together with her mother at her inability to stand up. There were a number of other adults and children in this part of the House of Fun and most of them were on the floor and unable to get up.

The floor was crowded and as people were rolling around, one of the adults accidentally kicked Holly Robins in the face, fracturing Holly's cheekbone and causing extensive damage to her face. Tamara Johnson was initially unaware of what had occurred and it was several minutes until the ride could be stopped.

An ambulance was called and Holly Robins was taken to hospital. Tamara Johnson was upset by the incident and closed the ride for the rest of the day. She went to Medshire Hospital to see how Holly Robins was. Dorothy Robins told her that she was very angry about the number of people who had been allowed to go on the ride and that she would be seeking legal advice. On hearing this, Tamara Robinson left the hospital and returned to the fair to pack up.

Tamara Johnson having heard no more about the incident presumed that no further action would be taken against her. However, she has recently received a letter from Dorothy Robins [**not reproduced**] demanding £20,000 to enable her daughter to have plastic surgery as a consequence of her injuries sustained on the fairground ride.

The individual who caused the injuries was never found and Dorothy Robins believes that the injuries were due to too many people being allowed on the ride at the same time. Dorothy Robins holds Tamara Johnson fully responsible for the injuries that her daughter sustained.

**Turn over**

DOCUMENT 4

EMAIL FROM RATCLIFFE HAMPSON OF IDA IDEA LLP

**To:** amanda.travis@kempstons.org  
**From:** ratcliffe.hampson@idaidea.co.uk  
**Date:** [Today's Date]  
**Re:** Hellpoint Phone Charger

Hi Amanda

Thanks for taking my phone call last week about the outstanding payment from Gabrielle Mider. I attach to this email the specifications for the phone chargers [**not reproduced**] as requested. Just to reiterate, we have never had any issues with the phone charger over the last five years and I doubt that Gabrielle Mider's customer did either. I believe that Gabrielle Mider failed to sell as many chargers as she wanted to and that she is trying to get out of paying us.

Please formally write to Ms Mider to get the money owed. Her address is 16 Wellington Road, Kempston, MK42 3LA.

Regards

Ratcliffe

Ida Idea LLP  
Registered Office  
The Warehouse  
Deepings Road  
Kempston  
MK42 7AP

**DOCUMENT 5**

**EXTRACT FROM THE TERMS AND CONDITIONS OF  
HINTER & BROOKES SURVEYORS LTD**

1. General

... The Surveyor will use all of the care and skill to be reasonably expected of an appropriate experienced chartered surveyor...

4. Scope of the inspection

(a) Unexposed and inaccessible areas of the property will not be inspected and the surveyor cannot comment as to their condition. Each room will be inspected where visible and damp meter readings have been taken where possible without moving furniture or personal possessions...

8. Miscellaneous

... (c) In the event that the Client has a complaint regarding the standard of service he or she has received, a formal dispute resolution procedure will be undertaken. The Client in the first instance will not be at liberty to begin legal proceedings without first attempting to settle the case through dispute resolution...

10. Limit of liability

Hinter & Brookes Surveyors Ltd will not compensate above £5,000 for each claim that is substantiated.

**End of Case Study Materials**

