

**SUPPORTING MATERIALS**

20 January 2017  
Level 4  
PREPARATIONS FOR PERSONAL INJURY  
TRIALS  
Subject Code L4-9



**THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES**  
**UNIT 9 – PREPARATIONS FOR PERSONAL INJURY TRIALS\***  
**SUPPORTING MATERIALS**

**Information for Candidates on Using the Supporting Materials**

- This document contains the supporting materials for your examination.
- You have **THIRTY** minutes' reading time to read these supporting materials and the question paper.
- It is strongly recommended that you use the reading time to read these supporting materials and the question paper fully. However, you may make notes on these supporting materials, the question paper or in your answer booklet during this time, if you wish.

**Do not turn over this page until instructed by the Invigilator.**

\* This unit is a component of the following CILEx qualifications: **LEVEL 4 DIPLOMA IN PERSONAL INJURY LITIGATION** and **LEVEL 4 EXTENDED DIPLOMA IN PERSONAL INJURY LITIGATION**

## SUPPORTING MATERIALS

### INSTRUCTIONS TO CANDIDATES

You are working in the personal injury team of Kempstons, The Manor House, Bedford, MK42 7AB. This is a small team comprising the Litigation Partner, Amina Khanum, her secretary, Leena Brady, and you.

Amina Khanum has asked you to assist her with two files. The first of these is an Occupiers Liability case where your firm has been instructed by the claimant, Stella Eden. You conducted an initial interview with Stella Eden and have prepared a proof of evidence (**Documents 1, 2 and 3**).

The second file relates to a road traffic accident where your firm is instructed by Safe Ride Insurance on behalf of its insured client, Joseph O'Neill, who is the Defendant in the case (**Document 4**).

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| <b>Document 1</b> | Proof of Evidence of Stella Eden  |
| <b>Document 2</b> | Letter from Bill Cotton to Kempstons  |
| <b>Document 3</b> | Attendance Note of telephone conversation between Leena Brady and Stella Eden |
| <b>Document 4</b> | Email from Safe Ride Insurance to Amina Khanum                                |

**DOCUMENT 1**

**PROOF OF EVIDENCE OF STELLA EDEN**

1. My name is Stella Eden of 51a Canterbury Terrace, Stratford, London, E3 9LR. My date of birth is 9 January 1957. I make this statement in relation to an accident that I suffered on 11 November 2016 on the Huntingdon Campsite in Selsey Bill, West Sussex.
2. I visit the campsite regularly as my sister has a static caravan there, which I go to as often as I can. The campsite is generally well equipped with a laundry, a shop and a bar.
3. On the day of the accident, I had travelled down to the campsite after work and had arrived there at about 7.30pm. I was planning to use the weekend to do some early preparation for Christmas as I was going to spend Christmas at the campsite with my sister and her daughter.
4. One of the first things I wanted to do was to wash some bedding so that it would dry out over the weekend. I therefore went over to the laundry. The entrance to the laundry has three wooden steps leading up to it.
5. I put the wash on in the normal way and left the laundry by the stairs. I wasn't carrying anything apart from the empty wash bag. I was wearing normal flat shoes.
6. Unfortunately, as soon as I put my foot on the middle stair, it gave way beneath me. I landed awkwardly on the ground below the steps and broke my ankle badly.
7. I was in a lot of pain and cried out. Someone came out from the laundry straightaway and went to get Chris McInnes who owns and runs the campsite. Chris called an ambulance for me and I was taken to Sundown District Hospital.
8. Given the severity of the injury to my ankle, the hospital kept me in for a couple of days. They put a cast on my ankle and told me to avoid putting weight on it until the cast came off.
9. I still have the cast on. I have been transferred to St Barnabys in London. They have told me that I will need the cast on for another couple of weeks. They have indicated that once it comes off they will probably need to operate on the ankle to ensure that the bones heal correctly.
10. As a result of my injury, I have not been able to return to my job as a shop assistant in a supermarket. I was earning around £1,400 a month after tax from this role. Since the accident, I have only received Statutory Sick Pay of £88 per week. The supermarket has also indicated that they may consider terminating my employment as I won't be able to cover the Christmas period.

**Turn over**

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11. The accident has also made it much more difficult for me to look after myself. I have had to rely on friends and family to help me with shopping, cooking and cleaning. It has also severely limited my social life as I am pretty much confined to my home all the time.
12. I am really upset about what has happened and the impact this has had on my life. I am particularly annoyed as this could all have been avoided. I know this as, after my accident, I was contacted by Bill and Elsie Cotton. They also have a caravan at the site.
13. Bill is in the building trade and had noticed that the steps were becoming rotten. He had therefore warned Chris McInnes that the steps needed to be replaced as they were dangerous. This was about three weeks before my accident.

Signed: *Stella Eden*

Dated: 12 December 2016

**DOCUMENT 2**

**LETTER FROM BILL COTTON TO KEMPSTONS**

Flat 49,  
Horwich Court,  
Belvedere Road,  
London,  
SE25 4TR

Dear Sirs,

I have been given your details by Stella Eden as I understand you're dealing with her claim against the campsite. I have a static caravan on the site and I go up there most weekends with my wife Elsie.

I didn't actually see the accident but I do know something about the background to it. I work in the building industry with a team that does up old houses.

Before Stella's accident, I had noticed that the steps leading up to the laundry were becoming a bit rotten and needed replacing. The wood hadn't been treated properly and so was becoming damaged by exposure to the elements.

I did have a word with Chris McInnes about this sometime in October. He seemed a bit reluctant to do anything about this, but I said I would do a quick outline for him of what it would cost.

I therefore did a quote for him setting out how much the work would cost. As this was a small job that I would have done privately, I didn't keep a copy of this quote.

I know this was all before Stella's accident, as it was around the time of my son's birthday on 15 October.

I am happy to help Stella with this but I would like to know what I'll have to do to help her with her case. If I do have to come to court, I would like to have plenty of notice as we've got a few big jobs on at work and it might be difficult to get time off.

Many thanks,

*Bill Cotton*

**Turn over**

DOCUMENT 3

ATTENDANCE NOTE OF TELEPHONE CONVERSATION BETWEEN LEENA  
BRADY AND STELLA EDEN

**Client:** Stella Eden  
**Matter:** Accident at campsite  
**Date:** 19 November 2017  
**Fee earner:** Amina Khanum  
**Time taken:** 2 units

LB taking call from client, who was in a rather distressed state. As she hasn't returned to work since the accident, her employers sent her to see a doctor. She has just received the doctor's report. This indicated that she should have another operation on her ankle and that she was no longer fit for work. The firm has therefore decided to medically retire her.

She is really worried now as she will have no income coming in. She also indicated that we had told her when we spoke about this before that, if she had another operation on her ankle, we would need to obtain further medical evidence. This will delay the trial in this matter.

She is particularly concerned because she has fallen behind with her utility bills. She owes the gas and electric companies about £1,500. As a result, she is having to spend most of her time in her bedroom as that is cheaper to heat. She wondered if there was anything we could do for her as she is getting desperate.

I said I would pass the message on so that you could talk to her about this.

**DOCUMENT 4**

**EMAIL FROM SAFE RIDE INSURANCE TO AMINA KHANUM**

**To:** Amina Khanum  
**From:** Gill Savage  
**Sent:** Day before assessment  
**Subject:** Our insured: Joseph O'Neill  
**Importance:** High

Dear Amina,

I would be grateful for your assistance with this road traffic accident which took place in May of this year. The circumstances of the accident are pretty straightforward although there is a dispute between the parties as to who is to blame.

Our insured and the claimant, Gareth Stedman, were approaching a crossroads in South Manchester, where they both live. Our client was on Channon Road and the claimant was on Kelsey Street. The accident took place where the two roads meet.

The flow of traffic at the crossroads is controlled by traffic lights and both parties are saying that the other person went through a red light. In addition, our client is arguing that Mr Stedman was driving too fast and so simply couldn't stop in time when the lights changed.

There is an independent witness, Mrs Harpreet Hothi, who was in the car behind our client. Apparently, she can confirm his version of events. We have had some difficulty in tracing her but the enquiry agent we employed to track her down has now made an appointment to see her next week.

Unfortunately, our client has also been rather slow in replying to correspondence because his mother had been rather unwell and died last month. He then went to Ireland to arrange her funeral and get her affairs in order. He arrived back in this country last night, and discovered that proceedings had been issued against him by Mr Stedman. As he has not responded to the proceedings, judgment has been entered against him.

We do want to pursue this matter on our client's behalf and we would therefore be grateful if you could take the necessary steps.

I have attached copies of the papers that we have on the case, and I'm happy to answer any questions from you.

Many thanks,

Gill

**End of Supporting Materials**

