

CASE STUDY MATERIALS

January 2020
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.

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

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ADVANCE INSTRUCTIONS TO CANDIDATES

You are a trainee lawyer in the firm of Kempstons Solicitors, The Manor House, Bedford, MK42 7AB. You are part of the civil litigation team and your supervising partner is Francis Godowsky. The nearest county court is Bedford.

Francis 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.

- Document 1** Memorandum from Francis Godowsky to trainee lawyer
- Document 2** Letter to Mark Redman from Jerry Doddings Builders Ltd
- Document 3** Letter to Kempstons Solicitors from Imp & West Solicitors
- Document 4** Email from Abidemi Okonkwo of Kidot Food Machines Ltd
- Document 5** Incident Report relating to Gavin Holiday

DOCUMENT 1

MEMORANDUM FROM FRANCIS GODOWSKY TO TRAINEE LAWYER

To: Trainee Lawyer
From: Francis Godowsky
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 **Mark Redman** file (MR/FG/56/19). Mark Redman contracted with Jerry Doddings Builders Ltd to build an extension on his house. The cost of the extension was agreed at £56,000, of which half was to be paid in advance and the remaining half to be paid on completion. Mark Redman paid £28,000. The builders have requested payment of the remaining £28,000 on what they deemed as completion of the extension. Mark Redman is not satisfied with the work and has refused to pay the balance. He has now received a letter from Jerry Doddings Builders Ltd (**Document 2**).
2. The **Niall Quant t/a The Horton Playhouse** file (NQ/FG/42/19). Niall Quant owns The Horton Playhouse, a theatre in Kempston. Sandra Dawns has issued proceedings against Niall Quant for an injury she claims she sustained, when she fell down the stairs leading to the box seats in the auditorium. Niall Quant is adamant that the injuries she claims to have sustained were not as a consequence of her fall. We have received a letter from the solicitors acting for Sandra Dawns (**Document 3**).
3. The **Kidot Food Machines Ltd** file (KFM/FG/20/19). Peter Chimes purchased 100 food blenders from Kidot Food Machines Ltd, intending to sell them on to restaurants in the United Kingdom. He has claimed that one of the blenders he sold to a customer short-circuited and caused a fire. He is now refusing to pay the £20,000 cost of the blenders. You will see from the email (**Document 4**) that Abidemi Okonkwo very much doubts that a blender would have caused a fire, if it had short-circuited.
4. The **Gavin Holiday** file (GH/FG/132/19). You will find on file an incident report relating to the injury that Gavin Holiday sustained (**Document 5**). I estimate that the damages are likely to be in the region of £5,000. Please arrange to see him at the earliest opportunity.

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DOCUMENT 2

**LETTER TO MARK REDMAN
FROM JERRY DODDINGS BUILDERS LTD**

Jerry Doddings Builders Ltd
Unit 14 Curlew Estate
Kempston
MK32 7BD

[Date]

Mark Redman
The Hollows
Kempston
MK42 9QC

Dear Mr Redman

Re: Outstanding Invoice 132 for £28,000

Ref: JD/86/19

The extension was completed over two months ago and you have failed to pay the outstanding money. There is nothing wrong with the quality of the work. You were warned of the likelihood of cracks appearing in the walls, but insisted that the extension be built to your specification.

If we do not receive full payment within the next 30 days, proceedings will be issued for the recovery of the outstanding £28,000. Please note that any legal costs associated with the claim will be sought from you.

Yours sincerely

Jerry Doddings
Director

DOCUMENT 3

LETTER TO KEMPSTONS SOLICITORS FROM IMP & WEST SOLICITORS

Imp & West Solicitors
The Chester Building
Kempston
MK41 4GT

[Today's Date]

Kempstons LLP
The Manor House
Bedford
MK42 7AB

Settlement

Dear Sirs,

Re: Sandra Dawns v Niall Quant t/a The Horton Playhouse
Claim No.: K176006 Kempston County Court

Our client maintains that the injuries she sustained were as a consequence of her fall. Our client is prepared to be reasonable, and would like to take this opportunity to settle the claim.

We are instructed to accept an offer of £18,000. It is open to acceptance for a period of 10 days from the date of this letter.

Yours faithfully,

Daniel Imp
Imp & West Solicitors

Turn over

DOCUMENT 4

EMAIL FROM ABIDEMI OKONKWO OF KIDOT FOOD MACHINES LTD

To: francis.godowsky@kempstons.org
From: abidemi.okonkwo@kidotfoodmachines.org
Date: [Today's Date]
Subject: Blenders

Hi Francis

Thanks for the meeting last week about the updates for the contracts. I mentioned the problems we are having getting an outstanding payment from Peter Chimes.

Just to reiterate, we have never had any issues with the blender over the last three years, and I doubt that Peter Chimes's customer had a blender short-circuit causing a fire. I believe that Peter Chimes failed to sell as many blenders as he thought he would, and he is trying to get out of paying us.

Please formally write to Mr Chimes to get the money owed. His address is 232 Fortune Road, Kempston, MK37 4BA.

Regards

Abidemi

Kidot Food Machines Ltd

Registered Office
The Kitt Building
Title Square
Kempston
MK42 4BC

DOCUMENT 5

INCIDENT REPORT RELATING TO GAVIN HOLIDAY

Gavin Holiday is 54 years of age and is employed by Peddlington Doors Ltd as a delivery driver. He is currently off work, due to having sustained a hernia.

As well as driving the delivery van from the factory to customers' premises, he is also required to load the doors onto the van and unload them once he reaches the customer. The exterior doors are heavy, weighing up to 65 kilograms each, and there can be up to 25 doors on any one load.

Gavin Holiday cannot recall being given any training for manual handling, and insists that loading and unloading the doors is a 'two-man job'. Peddlington Doors Ltd employs five other drivers, who have not sustained a hernia and they, like Gavin Holiday, are required to load and unload the doors by themselves.

Gavin Holiday states that the repeated strain on his abdomen of loading and unloading the doors has led to him sustaining the hernia. His employer, Peddlington Doors Ltd, has been supportive while he has been off work for the last two months. However, it has indicated that it believes that Gavin Holiday sustained the hernia due to his hobby of weightlifting, and that the lifting of the doors is not the determining factor in causing his hernia.

End of Case Study Materials

