

CASE STUDY MATERIALS

September 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**

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 Kristiana Ozols. The nearest county court is Bedford.

Kristiana 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. The documents are:

- Document 1** Memorandum from Kristiana Ozols to trainee lawyer
- Document 2** Attendance Note relating to Roger Tinker
- Document 3** Letter from Sunny Days Caravan Park Ltd to Fay Burling
- Document 4** Telephone message from Rabbah Zaki
- Document 5** Email from Amanda Pointon of Pointon Accounting Ltd to Kristiana Ozols

DOCUMENT 1

MEMORANDUM FROM KRISTIANA OZOLS TO TRAINEE LAWYER

To: Trainee Lawyer
From: Kristiana Ozols
Date: [Today's date]

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

1. The **Roger Tinker** file (RT/KO/21/19). On the file is an Attendance Note (**Document 2**) concerning the injuries that Roger Tinker sustained at his place of work. Please progress the claim.
2. The **Fay Burling** file (FB/KO/27/20). Fay Burling contracted with Sunny Days Caravan Park Ltd to purchase a second-hand static caravan that she had seen on the caravan park's internet site for the sum of £25,000. Having paid a deposit of £3,000, Ms Burling intended to pay the balance of £22,000 on attending the caravan park last week. When she arrived, she was shown the caravan, which was in a very poor state of repair. She refused to pay the balance and requested that her deposit money be returned. She has now received a letter from Sunny Days Caravan Park Ltd (**Document 3**).
3. The **Rabbah Zaki** file (RZ/KO/58/20). Rabbah Zaki is 20 years old. In 2012, he was injured when a piece of play equipment in a local park, operated by Medshire Council, broke. I calculate the value of the claim to be approximately £32,000. Please arrange a meeting to discuss his concerns (**Document 4**).
4. The **Pointon Accounting Ltd** file (PA/KO/31/20). The client instructed Kevin Green to update the accounting software used by the company. The work took longer than was expected and, when the work had allegedly been completed, the software did not work properly. As a consequence of the failures by Kevin Green, Pointon Accounting has had to compensate existing clients and has also lost potential clients. We have now received authority to pursue Kevin Green (**Document 5**).

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DOCUMENT 2

ATTENDANCE NOTE RELATING TO ROGER TINKER

Attendance on: Roger Tinker
Attended by: Kristiana Ozols
Date: [Today's date]
Time taken: 35 minutes – attendance
5 minutes – dictating attendance note

Attending Roger Tinker, an employee of Safe Supper Ltd, a company which processes vegetables. Roger works in the cold store, where the processed vegetables are frozen. He has worked at Safe Supper for the last six years and specifically in the cold store for the last two years.

On 9 February 2019, Roger clocked on and went to the cold store. He went to one of the refrigeration units and entered it. He checked the internal temperature of a sample of vegetables and proceeded to the door to leave the unit. On trying to leave, he found that the internal latch was frozen solid and therefore he was trapped.

In such circumstances, the person trapped needs to pull the emergency cord to notify the employer that they are trapped. Roger pulled the cord and waited to be rescued. Unfortunately, the system was faulty and, as a consequence, Roger spent four hours in the unit at temperatures of -20°C, until he was rescued.

As he had not expected to be in the refrigeration unit for very long, he had not followed procedure and had not put on gloves. As a consequence, he received severe frostbite to all of his fingers. Roger was taken directly to hospital, where the doctors were able to save all but two of his fingers. He has since returned to work in the same role as before.

We are yet to seek counsel's advice, but on the basis of previous claims, I calculate the value of the claim to be in the region of £24,000.

DOCUMENT 3

LETTER FROM SUNNY DAYS CARAVAN PARK LTD
TO FAY BURLING

Sunny Days Caravan Park Ltd
Cherry Tree Farm
Kempston
MK47 3JM
[Date]

Fay Burling
2 Telby Terrace
Kempston
MK42 3BA

Dear Ms Burling

Re: Outstanding Invoice 21 for £22,000

Ref: BM/21/20

We are still awaiting the £22,000 for the purchase of the Montgomery Caravan you have purchased. We understand that when you attended the caravan park last week, you were not satisfied with the condition of the caravan. The condition of the caravan was made clear in the advert and it was stated that it was to be bought on that basis.

We will not be refunding the £3,000 deposit and expect the payment of the outstanding £22,000 to be made within seven days of the date of this letter. If we do not receive full payment, proceedings will be issued for the recovery of the outstanding £22,000. Please note that any legal costs associated with the claim will be sought from you.

Yours sincerely

Barry Monkhouse

Barry Monkhouse

Director

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DOCUMENT 4

TELEPHONE MESSAGE FROM RABBAH ZAKI

Name: Rabbah Zaki
Time and date: 16:23 [Today's Date]
Message taker: Jenny Quate, Secretary
Telephone no.: 025427894

Message

Still has concerns about how the claim could be financed and whether the accident was too long ago for a claim to be made. Would like to arrange a meeting to discuss.

Thanks

Jenny

Secretary to Kristiana Ozols

DOCUMENT 5

**EMAIL FROM AMANDA POINTON OF POINTON ACCOUNTING LTD
TO KRISTIANA OZOLS**

From: amanda.pointon@pointonaccounting.org
Sent: [Today's date]
To: kristiana.ozols@kempstons.org
Subject: Kevin Green

Hi Kristiana

Further to our meeting earlier this week, please take this email as confirmation that I would like to pursue a claim against Kevin Green.

Just to reiterate, we feel that the work undertaken by Kevin Green is substandard and has cost our business £40,000.

Regards

Amanda

Director
Pointon Accounting Ltd
Registered Office
45 Kelter Road
Kempston
MK42 3MN

End of Case Study Materials

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