

IN THE WEST LONDON COUNTY COURT
B E T W E E N;-

WL203537

STEEL SERVICES LIMITED
(registered in the British Virgin Islands)
Claimant

And

NOEL YVONNE SYLVIE KLOSTERKOTTER DIT RAWE
Defendant

Instructions to Counsel to Advise in Conference Tuesday, 28 October 2003

Counsel will find herewith:

1. Instructions before previous Counsel, together with Bundles 1 & 2; and

2. Bundle 3

Tab1 Counsels opinion

Tab 2 Letter CKFT 21.10.03

Tab 3 Order for directions

Tab 4 Miss Rawe's draft witness statement

Instructing Solicitors act for Noelle Rawe of Flat 3, Jefferson House, 11 Basil Street,
London SW3 1AX.

Bundle 1 relates to the County Court proceedings which obviously Counsel should read, while Bundle 2 contains mainly the LVT documentation and correspondence. Counsel should, however, peruse tabs 9 and 13 of Bundle 2 being Miss Rawe's lease and the LVT decision respectively.

By way of background Instructing Solicitors will deal first with the LVT proceedings and thereafter the current County Court proceedings.

LVT

Counsel will see the decision of the LVT at enclosure 13 bundle 2. Following the decision of the LVT correspondence was entered into between Miss Rawe and the LVT. Miss Rawe was trying to seek clarification of the LVT decision in various areas although the LVT replied that they were unable to re open the decision.

In a report to Miss Rawe by Tim Brock of LSM Partners dated 31 July 2003 (bundle 1 enclosure 4) Mr. Brock confirms that Miss Rawe could not properly ascertain the proper deductions to have been made following the LVT determination.

A further point to note in relation to the LVT, is that an application under Section 20C was made by Miss Rawe and Counsel's opinion was sought in that respect and a copy of that opinion is at enclosure 1 of bundle 3. Although the Instructing Solicitors having not included in these instructions the entire correspondence in relation to that issue as it has been determined by agreement.

County Court Proceedings

Counsel will see from enclosure 3 of bundle 3 the order for directions made by the County Court on 26 August 2003. The position is that disclosure has taken place although inspection is yet to take place as is the exchange of Witness Statements and Experts Reports. It is anticipated that an extension will be agreed and it is unlikely that witness statements will be exchanged before the end of November or first week in December with Experts Reports following approximately one month after, which still leaves approximately one month before the trial window.

Miss Rawe has however prepared a draft Statement which is at enclosure 4 of bundle 3

Counsel will see the Part 36 offer from CKFT Solicitors dated 20 October. The Kilby & Gayford specification was not in fact attached to that letter but Counsel will see from enclosure 4 of Bundle 1, the revised Schedule of Kilby & Gayford specifications. The actual specifications in the CKFT letter has been requested and will be forwarded to Counsel as soon as it has been received. Instructing Solicitors have not, at the time of dictating, discussed the merit of the Part 36 offer with the client but have sent a copy of the Part 36 to the client as well as to the client's surveyor, Mr Brock. It is hoped that this can be discussed at the forthcoming conference.

If Counsel has any queries would he please not hesitate to contact Miss Lisa McLean of Instructing Solicitors.