

Master Eyre  
Royal Courts of Justice  
[Queen's Bench Division](#)  
Strand  
London WC2A 2LL

[Ms N Klosterkotter-Dit-Rawé](#)

[]  
[]  
[]

Special

(By 'Recorded Delivery')

**Ref: HQ11X01471** – Klosterkotter-Dit-Rawé v. [Commissioner of Police of the Metropolis](#); (2) [Independent Police Complaints Commission](#); (3) [Secretary of State for the Home Department](#)

7<sup>th</sup> August 2011

Dear Master Eyre

**Draft Orders re. First and Second Defendants**

Thank you for sending me your [2<sup>nd</sup> August 2011](#) Draft Order in relation to the First Defendant, following the [29<sup>th</sup> July 2011](#) Application hearing.

Please find enclosed a document in which I reproduced your Order and intercepted my comments.

As to [your Order](#) in relation to the Second Defendant, following the Application hearing also on 29<sup>th</sup> July 2011, you state: “3. *The only reason that the Claimant gives for not having followed that route is that it would have cost £70,000*”.

not

During the hearing, I also stated that as I did <sup>^</sup> have £70,000 to spend on lawyers, I opted for the legitimate option of submitting a [Section 10 Notice](#) under the [Data Protection Act 1998](#). But this alternative also proved to be in vain, as my Notice was ignored. This is captured under paragraph § 110 of my [19<sup>th</sup> July 2011](#) Witness Statement in response to the Second Defendant's [Application](#).

Yours sincerely,

N Klosterkotter-Dit-Rawé

## Claimant's comments on [Draft Order](#)

Page 1

- My reply demonstrates that the Draft Order 'from' Master Eyre is FULL OF LIES.  
- In the same way that 'he' ignored the IRREBUTABLE evidence in the case, he ignored my reply – as did his friends: 'Justices' Lang and Mackay - See my Comments to 'his' FULL OF LIES [09.08.11](#) MPS Order, and his friends' Orders.

IN THE HIGH COURT OF JUSTICE,  
[QUEEN'S BENCH DIVISION](#)  
Central Office  
[Master Eyre](#)

***Draft ORDER***  
*in*  
**[KLOSTERKOTTER-DIT-RAWÉ](#) v [COMMISSIONER](#) & Others**  
**[\[HQ11X01471\]](#)**

“UPON The [First Defendant's application](#) for an order striking-out the [claim-form](#) and dismissing the action, alternatively summary judgment AND UPON hearing the Claimant in person and Mr. Wilcox of Counsel for the First Defendant”

“AND for the reasons set out below”

“IT IS ORDERED as follows:”

“As against the First Defendant, the [claim-form and Particulars of Claim](#) are struck out, and the action dismissed.”

“There is judgment for the First Defendant for costs, with liberty to seek a summary assessment.”

Page 2

### **REASONS**

“1. The Claimant is [the tenant of a Mr. Ladsky](#), who lives in the same block of flats. She describes herself as being of Franco-German origin, and he describes himself as Jewish”

“2. In 2002, there were proceedings before the [Leasehold Valuation Tribunal](#) which have left the Claimant with a burning sense of grievance towards Mr Ladsky:”

→ **Claimant's comments** - This is not correct. On [21<sup>st</sup> October 2003](#) '[Steel Services](#)' i.e. [Andrew Ladsky](#) made me an offer for £6,350 <sup>1</sup> v the £14,400 demanded in [July 2002](#) and in the [29<sup>th</sup> November 2002 West London County Court claim](#) <sup>2</sup>. Even though I did not legally owe this amount either <sup>3</sup>, [I accepted and paid the offer](#) by stating “for the

<sup>1</sup> Claimant's [19<sup>th</sup> July 2011 Witness Statement](#), § 63

<sup>2</sup> Claimant's [19<sup>th</sup> July 2011 Witness Statement](#), § 42(1)

<sup>3</sup> Claimant's [19<sup>th</sup> July 2011 Witness Statement](#), § 63

sake of bringing this dispute to an end”.

3 months after the [Consent Order](#) was endorsed by [Wandsworth County Court](#) on 1<sup>st</sup> July 2004, [Mr Ladsky had the managing agents](#) send me another invoice for £14,400 in [October 2004](#), followed by [another one](#) 3 weeks later, repeating the demand. Hence, as though no offer had been made, accepted, paid and endorsed by the Court <sup>4</sup>

“indeed, she has recently described him as "that evil, greed-ridden monster”

→ **Claimant's comments** – True, but anybody with decency and humanity would, I believe, agree that I have good reasons. For example, in addition to the above:

- (i) The [£14,400 July 2002 demand](#) was followed by a [7<sup>th</sup> October 2002](#) letter from [Mr Ladsky's solicitors, CKFT](#), threatening me with forfeiture and contacting my mortgage lender unless I paid immediately the £14,400 demanded <sup>5</sup>
- (ii) In [February 2007](#), another of [Mr Ladsky's solicitors, Portner and Jaskel](#) threatened me with bankruptcy and forfeiture unless I paid immediately the sum of £8,937 to [Rootstock Overseas Corp](#), a company I never heard of. On [27<sup>th</sup> February 2007](#), the day after it received [my reply](#) asking for clarification, it filed a claim against me in [West London County Court](#). After a 16-month battle, “All” of the claim against me was dropped in a [6<sup>th</sup> June 2008](#) Notice of Discontinuance <sup>6</sup>
- (iii) In [July 2010](#), I received another demand for £24,000. This totally unsupported demand is also fraudulent <sup>7</sup>
- (iv) Making false, highly malicious accusations against me to the police [in 2003](#) and [in 2007](#), as well as to [my employer in 2006-2007](#).

“3. There followed various incidents resulting in -- among other – these complaints to the police:”

“(1) [2002](#): The Claimant asked the First Defendant to investigate anonymous telephone-calls to her number, for which she believed that Mr. Ladsky was responsible. The First Defendant duly investigated the matter, concluded that there were no grounds for pursuing the complaint, and informed the Claimant accordingly” (Note 2 - Particulars of Claim § 30 to 47)”

→ **Claimant's comments** – [British Telecom](#) established that the 20 anonymous phone calls to my home phone were made from 2 numbers: a mobile phone; a Reach Europe

<sup>4</sup> Claimant's [19<sup>th</sup> July 2011 Witness Statement](#), § 63

<sup>5</sup> Claimant's [19<sup>th</sup> July 2011 Witness Statement](#), § 65

<sup>6</sup> Claimant's [19<sup>th</sup> July 2011 Witness Statement](#), § 42(5)

<sup>7</sup> Claimant's [19<sup>th</sup> July 2011 Witness Statement](#), § 42(6)

**Dictionary definition of 'investigate':**  
"carry out a systematic or formal inquiry into (an incident or allegation) so as to establish the truth"

- [Elderly Resident](#)  
- [Residents Association](#)  
- [Other Residents](#)  
- [Resident K](#)

number. Events, supported by the evidence contained in the "crime report" demonstrate that fabrication took place in order to not reveal the true originator of the anonymous calls made from a Reach Europe number: (i) the landline number captured in the report was mine at the time; (ii) the subsequent claim, which led to the addition of a third telephone number in the report, that the resident had also made the calls. The 'story' of how this was established would be challenged by a child. Hence, I reject the assertion that the complaint was investigated<sup>8</sup>

The fact that the First Defendant claims in the report that Andrew Ladsky "*has not been the subject in any Cris reports*" raises additional concerns about the probity of the First Defendant given that: (i) at least 4 other residents complained against Mr Ladsky to the First Defendant<sup>9</sup>; (ii) the First Defendant claimed under [paragraph 6 of its Application](#) that "*all the detail must be recorded in an initial CRIS report*"<sup>10</sup>

"Note 1 – Claimant's WS 27 June 2011, # 77"

→ **Claimant's comments** – The First Defendant's Application is dated [30<sup>th</sup> June 2011](#). My Witness Statement in response to the Application is dated [19<sup>th</sup> July 2011](#).

"(2) [2003](#): Mr. Ladsky complained to the First Defendant that the Claimant had used abusive language towards him when they were at the premises."

→ **Claimant's comments** – This is a partial representation as the complaint included a false claim that I had history of doing this: "*approximately 3-4 times...This verbal abuse started in November 2002*"<sup>11</sup>

"The Claimant admits having been irritated by a comment made to her by Mr. Ladsky as they passed each other, and says - though without the least sign of shame - that she reacted by using the most disgusting and undignified language towards him."

→ **Claimant's comments** – My retort was in response to an unprovoked comment from Mr Ladsky: "[Better luck next time](#)" which I concluded meant he had the impending [London Leasehold Valuation Tribunal hearing](#) 'sewn-up'<sup>12</sup>

I do not recall being asked at the [29<sup>th</sup> July 2011 Applications hearing](#) whether I felt "*ashamed*" of my retort. However, had I been asked, I would have replied that I felt as "*ashamed*" as Mr Ladsky had felt in e.g.:

(i) Holding Her Majesty's Tribunal, the [London Leasehold Valuation Tribunal](#), in utter contempt by:

a. filing a fraudulent [7<sup>th</sup> August 2002](#) Application<sup>13</sup>

<sup>8</sup> Claimant's [19<sup>th</sup> July 2011 Witness Statement](#), § 23 and 25

<sup>9</sup> Claimant's 19<sup>th</sup> July 2011 Witness Statement, § 26(3)-(5)

<sup>10</sup> Claimant's 19<sup>th</sup> July 2011 Witness Statement, § 131

<sup>11</sup> Claimant's 19<sup>th</sup> July 2011 Witness Statement, § 35

<sup>12</sup> Claimant's 19<sup>th</sup> July 2011 Witness Statement, § 34

- b. getting [his surveyor](#) to lie in an “[Expert Witness](#)” report to the Tribunal that there was “*absolutely [no intention to build a penthouse flat](#)*”, and getting the [managing agents](#) to also lie to the Tribunal by, among others, claiming that “*[the construction of a penthouse flat was not a viable proposition](#)*”<sup>14</sup>.
- (ii) Holding Her Majesty's Court, [West London County Court](#), in utter contempt by:
- a. as detailed above, getting [CKFT](#) to file the ([fraudulent](#)) [29<sup>th</sup> November 2002](#) claim [against me \(and 13 other flats\)](#) – endorsed by a statement of truth<sup>15</sup>
- b. doing this in spite of being present at the [London Leasehold Valuation Tribunal](#) pre-trial hearing on [29<sup>th</sup> October 2002](#) – when we, leaseholders, were specifically told by the Tribunal to *not* pay the ‘service charge’ demand until the Tribunal had issued its determination and it had been implemented ([Court of Appeal case: Daejan Properties Limited v London Leasehold Valuation Tribunal](#) which determined that LVTs only have the jurisdiction to decide the reasonableness of disputed service charges that are still unpaid).
- (iii) Abusing the police service by reporting false accusations against me in [2003 and 2007](#).
- (iv) As detailed above, getting his solicitors, [CKFT](#), to threaten me with [forfeiture and of contacting my mortgage lender](#) if I failed to pay immediately a £14,400 demand which, I knew at the time, was fraudulent (and [was proven right](#)).
- (v) 3 weeks before filing his ‘complaint’ with the First Defendant, telling me, with a lot of venom in his voice: “*[I am going to get you this year](#)*”<sup>16</sup>

“The First Defendant took the matter no further.”

→ **Claimant's comments** - Knowing that the First Defendant had processed a false “crime report” of “*Substantiated offence of harassment*” against me. And, on the day it received my [11<sup>th</sup> February 2003](#) letter asking for “*precise detail of the accusation against me*” it closed down the report falsely claiming that I had not responded<sup>17</sup>

<sup>13</sup> Claimant's [19<sup>th</sup> July 2011 Witness Statement](#), § 38

<sup>14</sup> Claimant's [19<sup>th</sup> July 2011 Witness Statement](#), § 42(3)

<sup>15</sup> Claimant's [19<sup>th</sup> July 2011 Witness Statement](#), § 42(1)

<sup>16</sup> Claimant's [19<sup>th</sup> July 2011 Witness Statement](#), § 34

<sup>17</sup> Claimant's [19<sup>th</sup> July 2011 Witness Statement](#), § 6, 32 and 44

“(3) 2007: The Claimant had by now launched her own web-site. (Note 3 - <http://www.leasehold-outrage.com>) It consists of a single page of nearly 50,000 words, in other words the single page is as long as some published novels”...

→ **Claimant's comments** – The website contains many sections.

“...The page is no more than a sustained tirade against Mr. Ladsky and his supposed allies. In it, she at first referred to Mr. Ladsky and his allies as "pigs and monkeys."...

- Snapshot:  
My Diary 23  
May 2010  
- My  
19.07.11  
Witness  
Statement  
to the Home  
office

→ **Claimant's comments** – First sentence: Does “a tirade” mean relating events – with ‘black on white’ evidence in support? The second sentence is inaccurate. The context in which these terms were used is very clear from my website: to refer to the individuals who were – unlawfully - hounding me, tracking me, monitoring me <sup>18</sup>.

...“Mr. Ladsky, not very surprisingly in view of what he says is his racial background” took offence, and complained to the First Defendant, who took the matter up with the Claimant and the then web-host”...

→ **Claimant's comments** – It is inaccurate that “*the First Defendant took the matter up with me*” – as it *never* contacted me at any point in time <sup>19</sup>. Hence, it denied me the right to defend myself against the false accusations and malicious opinions of me I have so far been able to see in the report – as some pages have not been supplied.

As to “*taking up the matter with my website host*”: it sent a [16<sup>th</sup> March 2007](#) e-mail accusing me – without providing any evidence in support - of having committed a crime by stating “*I am the police officer dealing with this crime*”, and demanded the immediate closure of my website <sup>20</sup>.

...“The Claimant, who now says that the terms she used were not strong enough, changed the description to "morally depraved, despicable, beneath contempt scums" (sic). After unsuccessful attempts to get the web-host's co-operation...”

→ **Claimant's comments** – As my website Host asked – in vain - for evidence in support of the accusations, it cannot be stated that it “*failed to cooperate*” <sup>21</sup> My website Host's reply, and the First Defendant's e-mail reply of [20<sup>th</sup> March 2007](#) have not been captured in the report <sup>22</sup> Hence, there is nothing in the report to counteract the false accusations and opinions of me.

“..., the First Defendant took the matter no further, but - again not surprisingly -- recorded it "as a racial incident and nothing more.”

<sup>18</sup> Claimant's [19<sup>th</sup> July 2011 Witness Statement](#), § 77

<sup>19</sup> Claimant's 19<sup>th</sup> July 2011 Witness Statement, § 49 and 58

<sup>20</sup> Claimant's 19<sup>th</sup> July 2011 Witness Statement, § 49 and 53

<sup>21</sup> Claimant's 19<sup>th</sup> July 2011 Witness Statement, § 51, 54 and 56

<sup>22</sup> Claimant's 19<sup>th</sup> July 2011 Witness Statement, § 51 and 52

→ **Claimant's comments** – The First Defendant could not “take the matter further” because it could not substantiate its accusations <sup>23</sup>.

In addition to the First Defendant effectively branding me “a Nazi” in its [16<sup>th</sup> and 20<sup>th</sup> March 2007](#) e-mails, based on its false assessment of my use of the words ‘pigs and monkeys’ combined with my being of “Franco-German” <sup>24</sup>, the “crime report” contains other unsubstantiated accusations against me. It also contains malicious opinions of me used as a rationale by the First Defendant to contact social services claiming a belief that I suffered from “mental issues” <sup>25</sup>. It also includes the ‘recycling’, and in the process, endorsement of the false 2003 accusation against me that I “used to swear at Mr Ladsky”. This is done in spite of this report stating that I have been “eliminated” <sup>26</sup>

“(4) 2010: The Claimant reported to the First Defendant that she was being followed by individuals that she believed were acting on Mr. Ladsky's'...”

Page 3

“...instructions. The First Defendant recorded the matter, but took no action.”

→ **Claimant's comments** – As stated in the reports I submitted to the First Defendant on [4<sup>th</sup> October 2010](#) <sup>27</sup> and [8<sup>th</sup> October 2010](#) <sup>28</sup>, I only attribute the [20<sup>th</sup> and 27<sup>th</sup> July 2010](#) man following me at the instigation of Mr Ladsky. The [2<sup>nd</sup> man, 30<sup>th</sup> June 2010](#) and other occasions, I assume, in light of events, is a police informant <sup>29</sup>.

No detail as to the reason why the First Defendant “took no action”. No recording of the fact that it denied telling me that: (i) it was not investigating one of my complaints because I had “followed the man” <sup>30</sup>; (ii) it was not investigating my complaints because “there was insufficient evidence in the reports I supplied” <sup>31</sup>.

“4. On 19/04/11, the Claimant brought this action to compel the First Defendant to correct its record of Incident (1), to delete its records of (2) and (3) and to compensate her for its failure in relation to (4)”

→ **Claimant's comments** – Not just to “compensate me in relation to (4)” but to actually investigate my complaints <sup>32</sup>.

<sup>23</sup> Claimant's [19<sup>th</sup> July 2011 Witness Statement](#), § 83

<sup>24</sup> Claimant's 19<sup>th</sup> July 2011 Witness Statement, § 52 and 55

<sup>25</sup> Claimant's 19<sup>th</sup> July 2011 Witness Statement, § 61-80

<sup>26</sup> Claimant's 19<sup>th</sup> July 2011 Witness Statement, § 80 and 82

<sup>27</sup> Claimant's 19<sup>th</sup> July 2011 Witness Statement, § 119

<sup>28</sup> Claimant's 19<sup>th</sup> July 2011 Witness Statement, § 124-125

<sup>29</sup> Claimant's 19<sup>th</sup> July 2011 Witness Statement, § 133

<sup>30</sup> Claimant's 19<sup>th</sup> July 2011 Witness Statement, § 129-130

<sup>31</sup> Claimant's 19<sup>th</sup> July 2011 Witness Statement, § 131

<sup>32</sup> [19<sup>th</sup> April 2011 Particulars of Claim](#), § 136

-My [14 June 2011 Reply](#) to part of [MPS Defence](#) -My transcript of the [16.10.10 conversation](#)

"5. The Claimant takes no fewer than 139 paragraphs to set out her case against the First Defendant alone, citing the Data Protection Act 1998, the Convention on Human Rights, the Criminal Procedure and Investigation Act 1996, the Police Reform Act 2002, the Malicious Communications Act 1988 and the Protection from Harassment Act 1997, to say nothing of alleging malice, conniving with Mr. Ladsky, intimidation, misfeasance in public office, &c. She claims for various forms of relief, including some £70,000 in damages."

→ **Claimant's comments** – I believe that the 'black on white' evidence supports my assessment as in part reflected in the last part of the first sentence.

"6. Counsel for the First Defendant points out that:"

"(1) On the authorities, there is as a matter of general principle no right to bring a private-law action in relation to a breach of statutory duty."

"(2) Even if this could be viewed as a possible private-law action for breach of statutory duty, it would be clear for all of the reasons set out in the First Defendant's Defence that the Claimant's allegations are misconceived and unfounded."

"7. There can be no answer to those objections."

→ **Claimant's comments** – The First Defendant is not exempt from compliance with legislation. In its Defence it has made a blanket denial of my claim. Its conduct, for example in relation to the complaints and in October 2010 does amount to misfeasance in public office<sup>33</sup>. This is a tort action I believe I can take. In the same way that the obvious breach of the Malicious Communications Act 1998 and Protection from Harassment Act 1997 are tort actions that can be brought by an individual.

I also believe that I have a valid claim under the Human Rights Act 1998 in relation to the First Defendant's failure to respond to my 2<sup>nd</sup> June 2010 Section 10 Notice, which was my nth attempt at getting my rights under the Data Protection Act 1998 enforced<sup>34</sup>. Also in relation to its failure to investigate my complaints of harassment in October 2010 and the current treatment it subjected me to in this context<sup>35</sup>.

"8. However, there is also this: the action against the First Defendant amounts to no more than a most obvious attempt to re-write history, and is completely devoid of merit."

→ **Claimant's comments** – Getting my rights enforced under the Data Protection Act 1998 cannot be described as an "*obvious attempt to re-write history*". In fact, it is about removing fiction and adding facts in order to reflect history.

<sup>33</sup> Claimant's 19<sup>th</sup> July 2011 Witness Statement, § 114-

<sup>34</sup> Claimant's 19<sup>th</sup> July 2011 Witness Statement, § 88-98, 109-110

<sup>35</sup> Claimant's 19<sup>th</sup> July 2011 Witness Statement, § 113-142



Under the Data Protection Act 1998, when a data controller processes data about me that is a source of "great distress and/or causes me damage" because the data is unlawful, unfair, inaccurate as to matters of fact – I have the absolute right to demand it stops processing the data.

Aside from my rights under the Data Protection Act 1998, the processing is also a breach of my rights under the Human Rights Act.

**"9. For those reasons, the First Defendant's application must be granted."**

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