

# Appellant's notice

(All appeals except small claims track appeals)

For Court use only	
Appeal Court Ref. No.	QB/2011/0483
Date filed	30th August 2011

Notes for guidance are available on the court website. These will help you complete this form. Please read them carefully before completing each section.

OUTCOME: (i) Refused 'by' 'Justice' Lang: 06.10.11 Order; (ii) my 17.10.11 Request, refused 'by' 'Justice' Mackay: 24.10.11 Order = they FULLY endorsed the FULL OF LIES 09.08.11 Order 'from' Mater Eyre. See my (identical) Comments attached to each Order.



## Section 1 Details of the claim or case you are appealing against

Claim or Case no.

Name(s) of the  Claimant(s)  Applicant(s)  Petitioner(s)

Name(s) of the  Defendant(s)  Respondent(s)

### Details of the party appealing ('The Appellant')

Name

Address (including postcode)

Tel No.	<input type="text" value="[Redacted]"/>
Fax	<input type="text" value=""/>
E-mail	<input type="text" value=""/>

### Details of the Respondent to the appeal

Name

Address (including postcode)

Tel No.	020 7230 1212
Fax	<input type="text" value=""/>
E-mail	<input type="text" value=""/>

Details of additional parties (if any) are attached

Yes  No

## Section 2 Details of the appeal

From which court is the appeal being brought?

- The County Court at  
 High Court District Registry at  
 The Royal Courts of Justice  
 Other (please specify)

What is the name of the Judge whose decision you want to appeal?

MASTER EYRE

What is the status of the Judge whose decision you want to appeal?

- District Judge or Deputy       Circuit Judge or Recorder  
 Master or Deputy       High Court Judge or Deputy

What is the date of the decision you wish to appeal?

9th AUGUST 2011

To which track, if any, was the claim or case allocated?

- Fast track  
 Multi track  
 Not allocated to a track

Nature of the decision you wish to appeal

- Case management decision       Grant or refusal of interim relief  
 Final decision       A previous appeal decision

### Section 3 Legal representation

Are you legally represented?

Yes  No

If 'Yes', please give details of your solicitor below

Your solicitor's name

--	--

Your solicitor's address (including postcode)

--	--

Tel No.	
Fax	
E-mail	
DX	
Ref.	

Are you, the Appellant, in receipt of a Legal Aid Certificate or a Community Legal Service Fund (CLSF) certificate?

Yes  No

Is the respondent legally represented?

Yes  No

If 'Yes', please give details of the respondent's solicitor below

The respondent's solicitor's address (including postcode)

DIRECTORATE OF LEGAL SERVICES NEW SCOTLAND YARD BROADWAY LONDON SW1H 0BG
---

Tel No.	020 7230 1212
Fax	020 7230 7516
E-mail	
DX	134700 VICTORIA 7
Ref.	

### Section 4 Permission to appeal

**Do you need permission to appeal?**

Yes  No

Has permission to appeal been granted ?

Yes

No

Date of order granting permission <input style="width: 90%;" type="text"/>
Name of Judge granting permission <input style="width: 90%;" type="text"/>

NOËLLE KLOSTERKOTTER-DIT-RAWÉ  the Appellant( <del>s-solicitor</del> ) seek permission to appeal.
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## Section 5 Other information required for the appeal

Please set out the order (or part **of the order**) you wish to appeal

2. In 2002, proceedings before the LVT left the Claimant with a burning sense of grievance towards Mr Ladsky;  
3. There followed various incidents resulting in -- among other -- these complaints to the police:  
(1) 2002: The 1st Defendant duly investigated her complaint of anonymous telephone-calls for which she believed Mr. Ladsky was responsible and concluded that there were no grounds for pursuing the complaint  
(2) 2003: Mr. Ladsky complained to the 1st Defendant that the Claimant used abusive language towards him. The 1st Defendant took the matter no further. (3) The Claimant's website is no more than a sustained tirade against Mr. Ladsky and his supposed allies, she referred to as "pigs and monkeys". Being Jewish, Mr. Ladsky took offence, and complained to the 1st Defendant, who took the matter up with the Claimant and web-host. After unsuccessful attempts to get the host's co-operation, it - again not surprisingly -- recorded it "as a racial incident and nothing more".  
(4) 2010: The Claimant reported to the 1st Defendant that she was being followed by individuals she believed were acting on Mr. Ladsky's instructions. The 1st Defendant recorded the matter, but took no action.  
4. Claimant's action is to compel the 1st 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). 5. Claimant's claim cites the Data Protection Act 1998, the Convention on Human Rights...the Malicious Communications Act 1988 and the Protection from Harassment Act 1997...alleging malice, conniving with Mr Ladsky. 6. General principle: no right to bring a private-law action re. breach of statutory duty. Even if yes: allegations are misconceived and unfounded; 7. No answer to those objections. 8. the action amounts to no more than a most obvious attempt to re-write history, and is completely devoid of merit.

Does your appeal include any issues arising from the Human Rights Act 1998?

Yes  No

Are you asking for a stay of execution of any judgment against you?

Yes  No

If 'Yes' you must complete  
**Part A of Section 8**

Have you lodged this notice with the court within 21 days of the date on which the Judge made the decision you wish to appeal?

Yes  No

If 'No' you must complete  
**Part B of Section 8**

Are you making any other applications?

Yes  No

If 'Yes' you must complete  
**Part C of Section 8**

## Section 6 Grounds for appeal and arguments in support

Please state, in numbered paragraphs, **on a separate sheet** attached to this notice and entitled 'Grounds of Appeal' (also in the top right hand corner add your claim<sup>n</sup> or case number and full name), why you are saying that the Judge who made the order you are appealing was wrong.

The arguments (known as a 'Skeleton Argument') in support of the 'Grounds of Appeal' will follow within 14 days of filing this Appellant's Notice

OR

The arguments (known as a 'Skeleton Argument') in support of the 'Grounds of Appeal' are set out **on a separate sheet** and attached to this notice.

## Section 7 What are you asking the Appeal Court to do?

I am asking the appeal court to:-  
(please tick the appropriate box)

set aside the order which I am appealing

vary the order which I am appealing and substitute the following order. Set out in the following space the order you are asking for:-

Details are under the last section of the attached Skeleton Argument:

- ADR and / or trial to: (1) Correct the 2002 "crime report"; (2) Destroy the 2003 and 2007 "crime reports" and related data; and inform all concerned; (3) Supply missing data; (4) Supply name of recipients of data
- Costs, as well as damages for breach of: (i) Data Protection Act 1998; (ii) Malicious Communications Act 1988; (iii) Protection from Harassment Act 1997 - and exemplary damages for misconduct / misfeasance;
- Declaration and compensation for breach of European Convention rights - Articles 2, 3, 6, 8 and 14.

order a new trial

## Section 8 Other applications

Complete this section **only** if you are asking for orders in **addition** to the order asked for in Section 7.

### Part A

I apply for a stay of execution because:

### Part B

I do not need an extension of time for filing my appeal notice because it has been filed within the extended time granted by the Judge whose decision I am appealing.

OR

I apply for an extension of time for filing my appeal notice because (set out the reasons for the delay. You must also set out in Section 9 what steps you have taken since the decision you are appealing).

### Part C

I apply for an order that:

because

## Section 9 Evidence in support

In support of my application(s) in Section 8, I wish to rely upon the following evidence:

### BUNDLE 1 - CORE BUNDLE - PLEADINGS

Annex 1 & 2 to Particulars of Claim; Respondent's 23.05.11 Defence and Appellant's 14.06.11 Reply; Respondent's 30.06.11 Witness Statement in support of its Application under CPR 3.4 / 24.2; Appellant's 19.07.11 Witness Statement in response to Application; Chronology of events; Skeleton argument.

### BUNDLE 2 - OTHER PLEADINGS

Appellant's 07.09.11 response to Draft Order, and 22.08.11 cover letter to Respondent for payment; Appellant's 19.07.11 Witness Statement in response to 3rd Defendant's Application under CPR 3.4/24.2.

WITH THE COURT'S PERMISSION: Supplemental Witness Statement of 29.08.11 (as the Respondent only supplied the Appellant was a less redacted version of the "crime reports" on 22.07.11, hence: post filing her 19.07.11 Witness Statement in response to its Application).

### BUNDLE 3 - CRIME REPORTS; RELATED CORRESPONDENCE; OCTOBER 2010 COMPLAINTS; LANDLORD PROCEEDINGS AND OTHER CORRESPONDENCE

Tab 1: July 2009 version of the "crime report" - following making a 28.05.09 Subject Access Request; 2002; 2003; 2007

Tab 2: 22.07.11 version of the "crime reports"; 2002; 2003; 2007

Tab 3: "crime reports" correspondence, including: Respondent's March 2007 e-mails to her website Host; Appellant's response to the crime reports (13.08.09 and 20.09.09); Appellant's 02.06.10 section 10 Notice under the Data Protection Act 1998; Independent Police Complaints Commission granting dispensation to the Respondent to deal with the Appellant's complaint: 21.01.10 and 18.02.10; 22.02.10 and 02.03.10.

Tab 4: 2 complaints of harassment to the Respondent by the Appellant in October 2010, and Appellant's transcript of the 16.10.10 conversation she had with the Respondent

Tab 5: Landlord proceedings against the Appellant

Tab 6: Various other correspondence in support of the Appellant's position in relation to the content of the 3 "crime reports"

### Statement of Truth

I believe (~~The appellant believes~~) that the facts stated in this section are true.

Full name

Nbelle Kluskenkotten - DU - RAIVE

Name of appellant's solicitor's firm

signed

Appellant (solicitor)

position or office held

(if signing on behalf of firm or company)

## Section 10 Supporting documents

To support your appeal you should file with this notice all relevant documents listed below. To show which documents you are filing, please tick the appropriate boxes.

If you do not have a document that you intend to use to support your appeal complete the box over the page.

- two additional copies of your appellant's notice for the appeal court;
- one copy of your appellant's notice for each of the respondents;
- one copy of your skeleton argument for each copy of the appellant's notice that is filed;
- a sealed (*stamped by the court*) copy of the order being appealed;
- a copy of any order giving or refusing permission to appeal, together with a copy of the judge's reasons for allowing or refusing permission to appeal;
- any witness statements or affidavits in support of any application included in the appellant's notice;
- a copy of the order allocating the case to a track (*if any*); and
- a copy of the legal aid or CLSF certificate (*if legally represented*).

A bundle of documents for the appeal hearing containing copies of all the papers listed below:-

- a sealed copy (*stamped by the court*) of your appellant's notice;
- a sealed copy (*stamped by the court*) of the order being appealed;
- a copy of any order giving or refusing permission to appeal, together with a copy of the judge's reasons for allowing or refusing permission to appeal;
- any affidavit or witness statement filed in support of any application included in the appellant's notice;
- a copy of the skeleton argument;
- a transcript or note of judgment, and in cases where permission to appeal was given by the lower court or is not required those parts of any transcript of evidence which are directly relevant to any question at issue on the appeal;
- the claim form and statements of case (where relevant to the subject of the appeal);
- any application notice (or case management documentation) relevant to the subject of the appeal;
- in cases where the decision appealed was itself made on appeal (eg from district judge to circuit judge), the first order, the reasons given and the appellant's notice used to appeal from that order;
- in the case of judicial review or a statutory appeal, the original decision which was the subject of the application to the lower court;
- in cases where the appeal is from a Tribunal, a copy of the Tribunal's reasons for the decision, a copy of the decision reviewed by the Tribunal and the reasons for the original decision and any document filed with the Tribunal setting out the grounds of appeal from that decision;
- any other documents which are necessary to enable the appeal court to reach a decision; and
- such other documents as the court may direct.

Reasons why you have not supplied a document and date when you expect it to be available:-

Title of document and reason not supplied	Date when it will be supplied

Signed  Appellant('s Solicitor)





## 1. GROUNDS OF APPEAL

1. The Appellant applies for leave to appeal against the Order by contending that the reasons given by the learned Master for granting the Order to the Respondent wrongly and/or unjustly overlooked material evidence the Appellant supplied in support of her claims of breaches of her statutory rights.
2. Reason 3 misrepresents the sequence of events with the outcome of undermining their significance in relation to the 3 crime reports.
3. Underlying Reasons 2, 3(1), 3(2) and 3(3) is an inaccurate inference and/or assertion that the Appellant waged some kind of vendetta against her landlord, Mr Ladsky, who, in the 3 reports, is inaccurately described as her "*neighbour*" – with the outcome of inaccurately portraying him as the victim, and concurrently endorsing the Respondent's actions / lack of action – in breach of the Appellant's rights under the Data Protection Act 1998:
  - (1) Reason 2 by drawing on and reiterating the false assertions contained in the 2003 and 2007 reports.
  - (2) Reason 3(1) by ignoring the weight of evidence in relation to the 2002 report.
  - (3) Reason 3(2) by overlooking material events and evidence in relation to the 2003 report.
  - (4) Reason 3(3) by endorsing some of the false accusations against the Appellant in the 2007 report and, in the process, misinterpreting and misrepresenting events and the evidence, as well as ignoring the Appellant's response to the false accusations and malicious opinions of her.

4. Reason 3(4), by stating that the Respondent "*took no action*", incorrectly infers, contrary to the evidence, that the Appellant's 2 complaints of harassment in October 2010 were unsubstantiated / unactionable.
5. Reasons 5, 6, 7 and 8 ignore the Appellant's statutory rights in light of the weight of the evidence. If Reason 6(1) is endorsed, the Appellant contends that, contrary to Reasons 6(2) and 7, her allegations of misconduct and/or misfeasance in public office are substantiated and that she suffered distress and damages as a result.
6. Contrary to Reason 8, the Appellant's objective is not to "*re-write history*", but, in line with her statutory rights under the Data Protection Act 1998, to ensure accuracy in order to '*reflect history*'.

# HM Courts & Tribunals Service

Royal Courts of Justice Group

-----Central Office-----  
Central 2.4 11  
Central Office.  
CO 2.4 Appellant/Respondent No £235.00  
Transaction: 647298

**Total: £235.00**

Paid By: Cheque £235.00  
30/08/2011 15:47 001-03-76908  
OSEI-KUFFOUR, P Items: 1  
Cashier

PLEASE RETAIN YOUR RECEIPT FOR ANY  
FUTURE ENQUIRIES

Ms N Klosterkotte-Dit-Rawe

**Our ref: QB/2011/0483**

30 August 2011

Your ref:

Dear Sir/Madam

**Re: KLOSTERKOTTER-DIT-RAWE (APP) v COMMISSIONER OF POLICE FOR  
THE METROPOLIS (RES)**

Thank you for your Appellant's Notice received on 30th August 2011.

**This appeal has been allocated the reference number QB/2011/0483.** Please use this reference number in all further correspondence. This appeal will be handled in the High Court Queen's Bench Appeals Office.

We return a copy of your Appellant's Notice for your own record, together with sealed copy (or copies) for service on the Respondent(s). It is your responsibility to effect service on the Respondent(s). Service by first class post is deemed to have taken place two working days after posting.

If your Appellant's Notice includes an application for permission to appeal, no other documents should be served on the Respondent(s) at this stage. The Respondent(s) need not take any action until such time as notification is given that permission to appeal has been given.

Please send to this office, the certificate of service required by CPR 52 PD 5.21 (1) and (2) as soon as possible.

I am sending your appeal papers to a judge at this stage. I will send you a copy of his / her Order in due course together with any other directions which may be made. Apart

from service on the Respondent(s) (see above) you need take no further steps until you have heard further from this Office. If your Appellant's Notice includes an application for a transcript at public expense or a stay, I will notify you of the judge's decision in due course.

Yours faithfully

Queen's Bench Appeals Office

Directorate of Legal Services  
[New Scotland Yard](#)  
Broadway  
London SW1H 0BG

[Ms N Klosterkotter-Dit-Rawé](#)

[ ]  
[ ]  
[ ]

(By *'Special Delivery'*)

31<sup>st</sup> August 2011

[High Court of Justice, Queen's Bench Division](#) – [Claim No HQ11X01471](#) – [Klosterkotter-Dit-Rawé](#) v [Commissioner of Police of the Metropolis](#) and Others

Appeal Ref No **GB/2011/0483**

To whom it may concern

Dear Madam / Sir

#### APPEAL NOTICE AND SKELETON ARGUMENT

Following a [30<sup>th</sup> June 2011](#) Application by your Department under [CPR 3.4 / 24.2](#) (Ms Jennifer O'Dwyer), Master Eyre issued an Order, dated [9<sup>th</sup> August 2011](#), dismissing all of my [19<sup>th</sup> April 2011 claim, HQ11X01471](#), against the [Commissioner of Police of the Metropolis](#).

In relation to this Order, please find herewith enclosed the following I filed yesterday in Court:

1. A sealed 29<sup>th</sup> August 2011 Appellant's Notice
2. Supporting [Skeleton Argument](#).

I draw your attention to the fact that I am seeking permission to appeal.

Yours faithfully,

Klosterkotter-Dit-Rawé

cc. High Court of Justice, Appeals Listing Office, Room WG7, Strand, London WC2A 2LL

# Certificate of service

Name of court High Court of Justice	Claim No. HQ11X01471
Name of Claimant KLOSTERKOTTER-DIT-RAWÉ	
Name of Defendant COMMISSIONER OF POLICE OF THE METROPOLIS	

On what day did you serve? 02/09/2011

What documents did you serve?  
*Please attach copies of the documents you have not already filed with the court.*

APPELLANT'S NOTICE AND SKELETON ARGUMENT

On whom did you serve?  
*(If appropriate include their position e.g. partner, director).*

DIRECTORATE OF LEGAL SERVICES, NEW SCOTLAND YARD

How did you serve the documents? - please tick the appropriate box

by first class post or other service which provides for delivery on the next business day

by Document Exchange

by delivering to or leaving at a permitted place  
*(see notes overleaf)*

by fax machine (..... time sent, where document is other than a claim form) *(you may want to enclose a copy of the transmission sheet)*

by personally handing it to or leaving it with  
(..... time left, where document is other than a claim form) *(please specify)*

by other electronic means (..... time sent, where document is other than a claim form) *(please specify)*

by other means permitted by the court  
*(please specify)*

Give the address where service effected, include fax or DX number, e-mail address or other electronic identification

BROADWAY, LONDON SW1H 0BG

Being the  claimant's  defendant's  solicitor's  litigation friend

usual residence

principal office of the partnership

last known residence

principal office of the corporation

place of business

principal office of the company

principal place of business

other *(please specify)*

last known place of business

The date of service is *(see overleaf for guidance)* 02/09/2011

I believe that the facts stated in this certificate are true.

Full name NOËLLE KLOSTERKOTTER-DIT-RAWÉ

Signed

Position or office held

(Claimant) (Defendant) (solicitor) (s friend)

(If signing on behalf of firm or company)

Date 31/09/2011

[High Court of Justice](#)  
Appeals Listing Office  
Room WG7  
Strand  
London WC2A 2LL

[Ms N Klosterkotter-Dit-Rawé](#)  
[ ]  
[ ]  
[ ]

(By *'Recorded Delivery'*)

31<sup>st</sup> August 2011

Appeal Ref No **GB/2011/0483**

[High Court of Justice, Queen's Bench Division](#) – **[Claim No HQ11X01471](#)** – [Klosterkotter-Dit-Rawé v Commissioner of Police of the Metropolis and Others](#)

Dear Madam / Sir

CERTIFICATE OF SERVICE

Further to my filing a 29<sup>th</sup> August 2011 Appellant's Notice, Ref: GB/2011/0483, on 30<sup>th</sup> August, please find herewith enclosed:

1. 31<sup>st</sup> August 2011 Certificate of Service on the Respondent;
2. covering letter;
3. 31<sup>st</sup> August Post Office receipt for 'Special Delivery – Next Day'.

Yours faithfully,

Klosterkotter-Dit-Rawé



Post Office Ltd.  
Your Receipt

6 Raphael Street  
London  
Greater London  
SW7 1DL

JAPS-  
LEGAL Repl

Date and Time:	31/08/2011	15:17
Session ID:	10-760665	
Dest:	UK (EU)	
Quantity:	1	
Weight:	0.210	kg
Special D by 1	£0.00	£5.90
Total Cost of Services		£5.90
Posted after Last Collection?		No
Barcode:	ZW8416204606B	
DESTINATION ADDRESS		
Building Name or Number	Postcode	
NEW SCOTLAND YARD	SW1H 0BG	
Address Validated?		N

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  - A-Z
  - Work for us
  - Customer service

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Please enter your 13 character reference  
e.g. AA000100019GB

ZW841620460GB

Track item

[How to find your reference number](#)

TAPS Appl.

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Your item with reference ZW841620460GB was delivered from our SOUTH WEST LONDON Delivery Office on 01/09/11.

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*Call  
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Service*

Date and Time: 01/09/2011 14:03  
Session ID: 10-403925  
Dest: UK (EU)  
Quantity: 1  
Weight: 0.027 kg

Recorded 1st Letter £1.23

Total Cost of Services £1.23

Posted after Last Collection? No

Barcode: AI23026435568

DESTINATION ADDRESS

Building Name or Number Postcode  
ROOM67 WC2A2LL  
Address Validated? N

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