

Ms Klosterkotter-Dit-Rawe

(Took delivery
on 12 Aug)

ipcc

independent
police complaints
commission

Reference: HQ11X01471

By Recorded Delivery

9th August 2011

As she did on 29 July, she sent an
UNSEALED Order.

As detailed in my 13.09.11 letter to
Chittenden, it took 2 letters from me:
(15.08.11 and 31.08.11) and 2 phone
messages for her to finally send me a sealed
version on 08.09.11

**See my COMMENTS attached to the
29.07.11 IPCC Order 'from' Master Eyre**

90 High Holborn
London WC1V 6BH

Tel: 020 7166 3000

Fax: 020 7404 0430

Minicom: 020 7404 0431

mail: enquiries@ipcc.gsi.gov.uk

Web: www.ipcc.gov.uk

Dear Ms Klosterkotter-Dit-Rawe,

**RE: Noelle Klosterkotter-Dit-Rawe v The Commissioner of Police of the
Metropolis and the Independent Police Complaints Commission and the
Secretary of State for the Home Department, Claim No: HQ11X01471**

I would be grateful if you could acknowledge receipt of my letter dated 29th July
2011, sent by recorded delivery, enclosing the order of Master Eyre following the
hearing on 29th July 2011.

You will see from the contents of that order and you will recall from what was said at
the hearing that the Second Defendant, **the IPCC, obtained judgment for costs against
you.** The amount of costs however has not been determined.

You will have seen from the cost schedule previously served on you that the costs
claimed against you by the Second Defendant are £4083. However I have taken on
board the comments made by the Master in respect of my witness statement and
accordingly I have reduced the claim for work done on documents by 4 hours (3 hours
in respect of the first witness statement and one hour in respect of the second witness
statement). **This reduces the total by £380 (4 hours at £95 per hour) and brings it to
£3,703.**

I would ask therefore that you indicate, within the next 14 days, whether or not you
are prepared to agree the costs at £3,703 or whether you would wish to make a
counter-offer. If we are unable to reach agreement in respect of the amount of costs
then I will apply to the court for them to be summary assessed.

I have enclosed, for the sake of completeness, a further copy of the order and the costs
schedule previously served upon you.

Yours sincerely,

Julia Chittenden
Lawyer
Director of Business Services

IN THE HIGH COURT OF JUSTICE

Claim No. HQ11X01471

QUEEN'S BENCH DIVISION

B E T W E E N:

NOELLE KLOSTERKOTTER-DIT-RAWE

Claimant

-and-

THE COMMISSIONER OF POLICE OF THE METROPOLIS

First Defendant

THE INDEPENDENT POLICE COMPLAINTS COMMISSION

Second Defendant

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Third Defendant

ORDER

UPON hearing the Claimant in person and Mr. Dixey of Counsel for the Second Defendant and on the Second Defendant's application for an order striking-out the Claim Form and dismissing the action against it, alternatively for summary judgment it is ordered as follows:

1. The Claim Form be struck out and the action dismissed.
2. Judgment for the Second Defendant for costs with liberty to seek a summary assessment.

REASONS

1. The Claimant's allegations disclose no reasonable cause of action in private law.

2. The Claimant's challenge ought to have been made, if at all, by seeking judicial review.
3. The only reason that the Claimant gives for not having followed that route is that "it would have cost £70,000".

Leave to appeal refused, for the reasons given there being no real prospect of success or other compelling reason for granting leave.

STATEMENT for Rule 40.2(4):

(a) The above ruling on the application is not final.

(b) Any appeal lies to a single Judge of this Division.

(c) Leave to appeal has been refused (see above).

(d) Any further application for leave is to be made to the single Judge.

MASTER EYRE

29 : vii : 11

Statement of Costs (summary assessment)

In the High Court of Justice, Queens
Bench Division

Court

Master Eyre

(see attached breakdown of time)

Case
Reference

HQ11X01471

Case Title Noelle Klosterkötter Dit Rawe v The Commissioner of the Metropolis, The Independent
Police Complaints Commission and the Secretary of State for the Home Department

Second Defendant's Statement of Costs for the hearing on 29th July 2011 application
(and for costs occasioned by answering claim)

Description of fee earners*

(a) (name) (grade) (hourly rate claimed)	Julia Chittenden grade 7 £95 per hour
(b) (name) (grade) (hourly rate claimed)	
(c) (name) (grade) (hourly rate claimed)	
(d) (name) (grade) (hourly rate claimed)	

Attendances on Client

(a) (number)	1.5	hours at £	95	£	142.50
(b) (number)		hours at £		£	0.00
(c) (number)		hours at £		£	0.00
(d) (number)		hours at £		£	0.00

Attendances on Claimant

(a) (number)	1.48	hours at £	95	£	140.91
(b) (number)		hours at £		£	0.00
(c) (number)		hours at £		£	0.00
(d) (number)		hours at £		£	0.00

Attendance on others

First Defendant	(a) (number)	1.52	hours at £	95	£	144.08
Third Defendant	(b) (number)	1.15	hours at £	95	£	109.25
Court	(c) (number)	1.05	hours at £	95	£	99.75
Counsel	(d) (number)	1.13	hours at £	95	£	107.66

0.00

Other work, not covered above

(a) (number)		hours at £	
(b) (number)		hours at £	
(c) (number)		hours at £	
(d) (number)		hours at £	

£	0.00
£	0.00
£	0.00
£	0.00

Work done on documents

(a) (number)	19.83	hours at £	95
(b) (number)		hours at £	
(c) (number)		hours at £	
(d) (number)		hours at £	

£	1883.85
£	0.00
£	0.00
£	0.00

Attendance at hearing

(a) (number)	2	hours at £	95
(b) (number)	3	hours at £	95
(c) (number)		hours at £	
(d) (number)		hours at £	

£	190.00
£	285.00
£	0.00
£	0.00

(a) (number)		hours travel and waiting time £	
(b) (number)		hours travel and waiting time £	
(c) (number)		hours travel and waiting time £	
(d) (number)		hours travel and waiting time £	

£	0.00
£	0.00
£	0.00
£	0.00

Sub Total £

3103.00

Counsel's fees (name) (year of call) Jonathan Dixey, call 2007

Fee for advice, consideration of claim from and drafting of defence, application notice and draft order 4 hours 30 mins at £60 per hour £ 270

Fee for hearing (prep and attendance) 6 hours prep plus 2 hours attendance at £60 per hour £ 480

Other expenses

court fees Application fee paid 8th June 2011 £ 80

Others (give brief description) [Empty box] £

Total £ 3933.00

Amount of VAT claimed on solicitors and counsel's fees £ 150

on other expenses £

Grand Total £ 4083.00

The costs estimated above do not exceed the costs which the (party) is liable to pay in respect of the work which this estimate covers. Counsel's fees and other expenses have been incurred in the amounts stated above and will be paid to the persons stated.

Second Defendant)

Dated 26th July 2011

Signed [Signature]

Name of firm of solicitors [partner] for the (party) IPCC Lawyer

A grades of fee earner are suggested:

- (A) Solicitors with over eight years post qualification experience including at least eight years litigation experience.
- (B) Solicitors and legal executives with over four years post qualification experience including at least four years litigation experience
- (C) Other solicitors and legal executives and fee earners of equivalent experience.
- (D) Trainee solicitors, para legals and other fee earners.

“Legal Executive” means a Fellow of the Institute of Legal Executives. Those who are not Fellows of the Institute are not entitled to call themselves legal executives and in principle are therefore not entitled to the same hourly rate as a legal executive.

In respect of each fee earner communications should be treated as attendances and routine communications should be claimed at one tenth of the hourly rate.

In the High Court
Queens Bench Division
Claim number: HQ11X01471

Klosterkotter –Dit –Rawe v the IPCC and others

Details of correspondence and calls

Correspondence and calls in

Claimant

Letter in (re allocation hearing)	dated 31 st May 2011
Letter in (encl reply to First Def's defence)	dated 14 th June 2011
Call in	20 th June 2011
Letter in	20 th June 2011
Letter in	1 st July 2011
Voicemail	19 th July 2011
Letter in (encl wt st)	19 th July

5 letters x 5 mins = 25
1 call and 1 voicemail = 10 mins

Total: 25 mins

First Defendant

Letter in (encl def)	dated 26 th May 2011
Call in	14 th June 2011
Call in	28 th June 2011
Email in (encl appl & email to Court)	30 th June 2011
Email in (re bundle)	14 th July 2011
Call in (re bundle)	20 th July 2011
Letter in (bundle)	dated 21 st July 2011

2 letter x 8 mins = 16
2 emails x 5 mins = 10
3 calls x 5 mins = 15

Total: 41 mins

Third Defendant

Email (re allocation hearing)	14 th June
Call	14 th June
Email	28 th June
Letter in (encl def & appl)	7 th July 2011

1 letter x 5 mins
1 call x 5 mins
2 emails x 5 mins = 10 mins

Total = 20 mins

Court

Email (encl new date)	28 th June 2011
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Total = 5 mins

Correspondence and calls out

Claimant

Letter	dated 5 th May 2011
Letter (encl appl)	dated 8 th June 2011
Letter (ask dates to avoid)	dated 13 th June 2011
Letter (indicating relisted & asking list appl)	dated 15 th June 2011
Letter (re new hearing date)	dated 28 th June 2011
Letter (re contents of bundle)	dated 14 th July 2011
Letter (encl wit stat)	dated 20 th July 2011
Letter (confirm receipt of documents)	dated 20 th July 2011

8 letters x 8 mins = 64 mins

Total = 64 mins

First Defendant

Letter (encl def)	dated 8 th May 2011
Letter (encl appl)	dated 8 th June 2011
Email (indicating asking court list – 28 th July)	15 th June 2011
Letter (re 29 th July date)	28 th June 2011
Letter (acknowl appl)	12 th July 2011
Email (re cl's voicemail)	19 th July 2011
Letter (encl wit stat)	20 th July 2011

5 letters x 8 = 40 mins
2 emails x 5 = 10 mins

Total = 50 mins

Third Defendant

Letter (encl appl)	dated 13 th June 2011
Email (acknowl email)	14 th June 2011
Email (indicating ask appl listed 28 th)	15 th June 2011
Email (re 29 th date)	28 th June 2011
Letter	12 th July 2011
Letter (encl 2 nd wit stat)	20 th July 2011

3 letters x 8 = 24 mins
3 emails x 5 = 15 mins

Total= 39 mins

Court

Letter (encl acknowl of service)	dated 9 th May 2011
Letter (encl defence)	dated 18 th May 2011
Letter (encl appl)	dated 8 th June 2011
Call (re application)	13 th June 2011
Letter (ask list 28 th July)	14 th June 2011
Letter (encl private room app form)	20 th June 2011
Call (confirm hearing going ahead and what listed)	12 th July 2011
Letter (encl 2 nd wit stat)	20 th July 2011

6 letters x 8 = 48 mins
2 calls x 5 = 10 mins

Total = 58 mins

Counsel

Letter	dated 9 th May 2011
Call	7 th June 2011
Letter (encl further papers)	dated 8 th June 2011
Email (re counsel avail)	13 th June 2011
Call (re hearing)	14 th June 2011
Letter (encl applications)	dated 12 th July 2011
Email	20 th July 2011
Letter (encl 2 nd wit stat)	dated 20 th July 2011
Letter (encl new docs from Cl)	dated 20 th July 2011

Letter (encl bundle)

dated 26th July 2011

6 letters x 8 = 48 mins

2 emails x 5 = 10 mins

2 calls x 5 = 10 mins

Total= 68 mins

Break down of time spent on documents

Considering claim form and particulars	2 hours 30 mins
Considering strike out application	45 mins
Considering defence by MPS	20 mins
Considering documents in casefile	20 mins
Preparing and drafting witness statement for strike out application	
	3 hours 55 mins
Consideration of papers in Claimant's response to application	
	2 hours
Consideration of 1 st Defendant's and 3 rd Defendant's applications	
	50 mins
Considering and looking into issues raised by Claimant's response to 2 nd Defendant's application	
	2 hours 15 mins
Preparing and drafting witness statement in response to Claimant's response	
	3 hours
Considering court bundle index	25 mins
Considering Claimant's updated witness statement	1 hour 30 mins
Preparing costs schedule	2 hours 30 mins
<u>Total</u>	<u>19.83 hours</u>