



30th June 2011

Mrs N Klosterkotter-Dit-Rawe

(Took delivery
on 2 July)

DIRECTORATE OF LEGAL SERVICES

Director: Edward Solomons
Solicitor

New Scotland Yard
Broadway
London SW1H 0BG

DX: 134700 VICTORIA 7

Enquiries to: Ms Jennifer O'Dwyer

Direct line: 020
Facsimile: 020
Switchboard: 020 /230 1212

Your ref:

Our ref: 64866/JOD/KlosterkotterDR

Service not accepted by e-mail

- My 19.07.11 Witness Statement in reply.
- But, IN SPITE of this, it got its 'trophy': 'Master Eyre's FULL OF LIES 09.08.11 Order; my 22.08.11 letter paying its £8,478 costs
- Followed by 2 more 'trophies': 'Justice Lang's 06.10.11 Order; 'Justice Mackay's 24.10.11 Order - following my 30.08.11 Appeal Application and IN SPITE of my 17.10.11 Request for Oral Hearing - My Comments are attached to the Orders
- The MPS made me a 07.07.11 "Without Prejudice Offer" for discontinuing my Claim. I rejected it in my 13.07.11 reply on the ground that it "it gives me no reasons to do it"

Dear Mrs Klosterkotter-Dit-Rawe,

Re: Yourself - v- The Commissioner of Police of the Metropolis (1) The Independent Police Complaints Commission (2) & The Secretary of State for the Home Department (3)

Further to the above, please find enclosed a copy of the First Defendant's draft application under CPR 3.4(2) and 24.2.

I am aware that the Third Defendant is also likely to make a similar application and that the Second Defendant's application has been listed for 1 ½ hours on 29th July 2011. In the interests of saving the Court's time and costs to the parties, I would suggest that all three applications are dealt with at the same time and would estimate that the hearing would take approximately 5 hours.

I would be grateful if you would indicate your agreement to this proposal and I will email Master Eyre accordingly. In the event that the Court does not list all the applications for 29th July, I would be grateful if you would let me have your dates to avoid for an alternative listing.

I look forward to hearing from you.

Yours sincerely,

Ms Jennifer O'Dwyer
Directorate of Legal Services

Please note that I work Monday to Thursday.

Application notice

For help in completing this form please read the notes for guidance form N244Notes.

Name of court HIGH COURT OF JUSTICE QUEEN'S BENCH DIVISON	
Claim no.	HQ11X01471
Warrant no. (if applicable)	
Claimant's name (including ref.)	KLOSTERKOTTER-DIT-RAWE
Defendant's name (including ref.)	1. Commissioner of Police 2. The IPCC 3. SOS for the Home Department
Date	

1. What is your name or, if you are a solicitor, the name of your firm?

DIRECTORATE OF LEGAL SERVICES, METROPOLITAN POLICE SERVICE

2. Are you a Claimant Defendant Solicitor
 Other (please specify) _____

If you are a solicitor whom do you represent?

THE FIRST DEFENDANT

3. What order are you asking the court to make and why?

1. That the claim be struck out, and/or
2. That summary judgment be entered in the First Defendant's favour in relation to those claims.
3. That the Claimant do pay the First Defendant's costs.

Because:

1. There are no reasonable grounds for bringing these claims.
 2. The claims have no real prospect of success.
 3. Of the reasons set out in the witness statement attached hereto.
- The Claimant's attention is drawn to CPR 24.5(1)

4. Have you attached a draft of the order you are applying for? Yes No

5. How do you want to have this application dealt with?
 at a hearing without a hearing
 at a telephone hearing

6. How long do you think the hearing will last? Hours Minutes

Is this time estimate agreed by all parties? Yes No

7. Give details of any fixed trial date or period

N/A

8. What level of Judge does your hearing need?

MASTER EYRE

9. Who should be served with this application?

ALL PARTIES

10. What information will you be relying on, in support of your application?

- the attached witness statement
- the statement of case
- the evidence set out in the box below

If necessary, please continue on a separate sheet.

Please see the attached witness statement.

Please note that the time estimate of 5 hours (1 full Court day) does not include 2 hours pre-reading.

Statement of Truth

(I believe) (~~The applicant believes~~) that the facts stated in this section (and any continuation sheets) are true.

Signed _____

Dated 30th June 2011

Applicant('s Solicitor)'s litigation friend)

Full name Jennifer O'Dwyer

Name of applicant's solicitor's firm Directorate of Legal Services, Metropolitan Police Service

Position or office held Solicitor

(if signing on behalf of firm or company)

11. Signature and address details

Signed _____

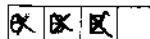
Dated 30th June 2011

Applicant('s Solicitor)'s litigation friend)

Position or office held LAWYER, DIRECTORATE OF LEGAL SERVICES, METROPOLITAN POLICE
(if signing on behalf of firm or company)

Applicant's address to which documents about this application should be sent

E B Solomons (Director)
N
C Directorate of Legal Services
V Metropolitan Police Service
6 New Scotland Yard
8 - 10 Broadway
London SW1H 0BG



If applicable	
Phone no.	020 7230 7363
Fax no.	020 7230 6987
DX no.	134700 VICTORIA 7
Ref no.	64866/JOD/KlosterkoterDR

E-mail address jennifer.o'dwyer@met.police.uk

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

Claim No: HQ11X01471

BETWEEN:

NOELLE KLOSTERKOTTER-DIT-RAWE

Claimant

- and -

THE COMMISSIONER OF POLICE OF THE METROPOLIS

First Defendant

- and -

THE INDEPENDENT POLICE COMPLAINTS COMMISSION

Second Defendant

- and -

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Third Defendant

DRAFT ORDER

BEFORE Master Eyre

UPON hearing the Claimant and Counsel for the First Defendant.

IT IS ORDERED THAT:

1. The claim insofar as it relates to the First Defendant is struck out pursuant to CPR 3.4.

OR

2. Summary judgment be entered in the First Defendant's favour.
3. The Claimant do pay the First Defendant's costs of the application and the claim summarily assessed in the sum of £

Statement made on behalf of: The Commissioner of Police of the Metropolis
Witness: Jennifer O'Dwyer
Statement No: 1
Exhibits Referred to:
Date Statement Made: 28 June 2011

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

Claim No: HQ11X01471

BETWEEN:

NOELLE KLOSTERKOTTER-DIT-RAWE

Claimant

- and -

THE COMMISSIONER OF POLICE OF THE METROPOLIS

First Defendant

- and -

THE INDEPENDENT POLICE COMPLAINTS COMMISSION

Second Defendant

- and -

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Third Defendant

Witness: Jennifer O'Dwyer
Occupation: Lawyer
Address: Directorate of Legal Services, New Scotland Yard

I believe the facts stated in this witness statement are true

Signed.....


I Jennifer O'Dwyer, solicitor in the employ of the Metropolitan Police, Directorate of Legal Services, New Scotland Yard, Broadway, London SW1H 0BG make this statement on the behalf of the First Defendant herein and I say as follows:

SIGNED ..... DATED .....

1. The facts stated herein are within my own knowledge except where stated otherwise. Any facts stated which are provided by a third party are true to the best of my knowledge and belief.
2. I have the conduct of this matter on behalf of the First Defendant and I am authorised to make this statement.
3. I make this statement in support of the First Defendant's application for strike out and/or summary judgment, on the basis that on the evidence the Claimant has no real prospect of succeeding on the claim, and I can confirm that I know of no other reason why the disposal of the claim should await trial.

Background

4. This claim arises out of a number of crime reports recorded on the Crime Report Information System database ("CRIS").
5. CRIS is used to store information on crimes reported to police and essentially provides the following information and functions:
 - (a). Victim and witnesses' personal details
 - (b). A record of victim care in relation to the case
 - (c). A record of the details of the investigation carried out by the officer(s) in the case.
 - (d). The classification of the crime type (including a record of how a

SIGNED 

DATED 20th June 2011

matter may be considered to be detected).

- (e). Information on *modus operandi*.
- (f). Personal details of suspects/defendants.
- (g). Other ancillary analytical and administrative detail, i.e. supervision.

6. All of this detail must be recorded either as a result of the initial report or during a secondary investigation carried out by the Officer in the Case. The information as recorded will be based on what is told to the investigators during the course of each investigation. Where the opinion of the investigator is recorded on a CRIS report it is based on that information and is there solely to assist the investigation. Information is recorded as it is reported the mere fact that an allegation is recorded on the CRIS does not mean that the allegation is treated as being true.

7. In line with Metropolitan Police Service ("MPS") policy and Standard Operating Procedures all investigations are subject to supervision and/or review at regular intervals, currently typically a minimum of every seven days.

8. The CRIS system has pages to record personal details of suspects. This page also has the facility to track the administration of the status of a suspect throughout the investigation, such as dates of arrest and police bail, custody record numbers and so on. One of these functions allows an officer to record the reason a person is no longer being treated as a suspect.

SIGNED 

..... DATED 20th June 2011

The reasons for initially recording that a person is a suspect are wide and varied, and are often a matter of the subjectivity of a witness. In carrying out all investigations officers will always be aware of this subjectivity and as such will keep an open mind.

9. Since at least 2002 the Claimant has been in a dispute with Mr Andrew Ladsky, her landlord. As a result of this dispute the Claimant has created and maintained a website that sets out her allegations against Mr. Ladsky.
10. In 2002 the Claimant complained to First Defendant about Mr. Ladsky's conduct. The complaint was investigated but no charges resulted. This investigation lead to the creation of the conduct of Crime Report: 5604102/02 ("the 2002 report"). its 22.07.11 version
11. In 2003 Mr Ladsky complained to First Defendant about the Claimant's conduct. His complaint related, in part, to comments made about him on the Claimant's website. The First Defendant investigated this complaint.
12. Trainee Detective Constable Dowling made inquiries of the Claimant's website host. In the course of those inquiries he indicated the nature of the allegations under investigation but did not suggest that the Claimant was guilty of the alleged conduct. No charges were brought but the investigation lead to the creation of Crime Report: 5602261/03 ("the 2003 report"). its 22.07.11 version

Totally wrong

SIGNED _____

..... DATED 20th June 2011

13. Mr. Ladsky repeated his complaints in 2007 and this lead to a further investigation. No charges were brought but Crime Report: 5605839/ 07 ("the 2007 report") was created during the course of the investigation.
14. On 28 May 2009 the Claimant made a subject access request under s. 7 of the Data Protection Act 1998 ("the DPA").
15. On 14 July 2009 the First Defendant provided the Claimant with copies of all of the data it held that related to her and to which, pursuant to s. 7 DPA, she was entitled. This disclosure included the three crime reports. Those reports had been redacted.
16. The Claimant subsequently requested that the Crime Reports be amended. Those requests were refused and the Claimant sent a detailed letter of complaint on 20 September 2009 which concluded, "As the above are very clearly in breach of amongst others, the Police Professional Standards, as Head of K&C police, what are you going to do in the face of this litany of outrageous gross misconduct."
17. On 22 September 2009 Acting Chief Inspector Steve McSorley wrote to the Claimant stating that she had *"quite clearly expressed [her] concerns about accuracy to Jenna Neville"* and invited her to contact the Information Commissioner if she was *"dissatisfied"* with First Defendant's response.]

Its 22.07.11 version

LIE. Contrast the 2009 and 22.07.11 versions - above

See my Comments to FULL OF LIES 09.08.11 Order

SIGNED 

DATED  20th June 2011

18. On 4 October 2010 the Claimant attended Chelsea Police Station. She spoke to PC Giles and alleged that between 20 and 27 July 2010 she had been racially harassed. She supplied a report that recorded the events and which included photographs of the man that she alleged had harassed her. She identified Mr. Ladskey as the perpetrator.
19. PC Giles did not accept the Claimant's account that she had feared for her safety. PC Giles refused to file the Claimant's report as a Crime Report.
20. On 8 October 2009 the Claimant again wrote to First Defendant, enclosing her letter of 20 September 2009. First Defendant replied on 20 November 2009 stating that, "I do not accept that there has been any gross misconduct by any of our officers in relation to the various crime reports in which you are named. Nor do I accept that TDC Dowling made malicious, scurrilous or libellous allegations when he contacted your website host. With regard to the wording of the crime reports, I am satisfied that this represents an accurate account of what police were told at the time even if you do not agree with what was said by third parties."
21. The Claimant continued to complain about the alleged breaches of the DPA in her letter of 2 December 2009. This letter was passed to the First Defendant's Directorate of Professional Standards and it was dealt with as a complaint pursuant to the Police Reform Act 2002.

My 14.06.11
Reply, and
transcript of
conversation

16.03.07 and
20.03.07
emails

See my
Comments to
the 29.07.11
IPCC Order

SIGNED:

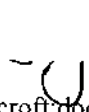
DATED

20 June 2011

22. By way of a Memo on 22 January 2010 the First Defendant asked the Second Defendant for a dispensation from the investigation. On 2 March 2010 the Second Defendant granted the First Defendant's request for dispensation.
23. The letter before claim was served on 18 March 2011 and the proceedings were issued on 19 April 2011.
24. I now make this application to have the claim struck out and/or to have summary judgment entered in the First Defendant's favour and I attach hereto a Draft Order.

WHERE IS THE EVIDENCE IN SUPPORT OF THE APPLICATION?

SIGNED:

 DATED 27th June 2011