



4th August 2011

DIRECTORATE OF LEGAL SERVICES
Director: Edward Solomons
Solicitor

New Scotland Yard
Broadway
London SW1H 0BG

DX: 134700 VICTORIA 7

Enquiries to: **Martin Bament**

Direct line:
Facsimile:
Switchboard:

Your ref:

Our ref: 64866/JOD/KlosterkotterDR

Service not accepted by e-mail

Ms N Klosterkotter-Dit-Rawe

The 2nd time was in
10.08.11 correspondence

1st time MPS sent me
its costs. Its Application
hearing to have my
claim struck out was
on 29 July 2011.
By CPR PD44 PARA 13.5(2)
It should have sent me
its costs BEFORE the
CASE MANAGEMENT hearing

Dear Ms Klosterkotter-Dit-Rawe,

**Re: Yourself - v- (1)The Commissioner of Police of the Metropolis (2) The Independent Police
Complaints Commission & (3) The Secretary of State for the Home Department**
Application hearing 29th July 2011 at 11.am and 2.30 pm 9th August 2011

Please find attached a schedule of costs that the First Defendant has incurred in this matter, for your information, which the First Defendant will be seeking to recover as considered appropriate.

Please also find enclosed a draft order received from the court, sent to you by way of service.

Yours sincerely,

Martin Bament
Directorate of Legal Services
Please note that I work Monday to Thursday.

As the 29 July hearing
came to point when
costs would be discussed
Master Eyre said "No
more time!" And scheduled
next for 9 August (barely
able to suppress a
smile when I said that
the next hearing (for
the HO Application
was on 9 Aug, he set it
up for that time).
The scheming was
obvious!

Eyre x MPS would
discuss the Order
And by withholding
delivery of the
DRAFT Order by
the police, hoped
I would miss the
chance to provide
some feedback

See my Comments to the FULL OF LIES 09.08.11 MPS
Order 'from' Master Eyre

**Statement of Costs
(Summary assessment)**

**In the High Court of Justice
Queens Bench Division**

Judge /Master Eyre

Case Reference HQ11X01471

Case Title Ms Noelle Klosterkoter Dit-Rawe - v- The Commissioner of Police of the Metropolis & Others

[Party]'s Statement of Costs for the hearing on 29th July and 9th August 2011

Description of fee earners*

- (a) (name) (grade) (hourly rate claimed)
- (b) (name) (grade) (hourly rate claimed)
- (c) (name) (grade) (hourly rate claimed)

Jennifer O'Dwyer	Grade A	£317.00 per hour
Martin Bament	Grade C	£196.00 per hour
Jamie Flanagan	Grade D	£126.00 per hour

Attendances on others

(a) (number)	1.5	Hours at £	317.00	£	475.50
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Other work not covered above

(a) (number)	3.7	Hours at £	£317.00	£	1172.90
(c) (number)	6.00	Hours at £	£126.00	£	756.00

Work done on documents

(a) (number)	2.2	Hours at £	£317.00	£	697.40
(b) (number)	12.4	Hours at £	£196.00	£	2430.40

Attendance at hearing

(c) (number) (29/07/11)	2.25	Hours at £	£126.00	£	283.50
(b) (number)09/08/11	1.00 (EST)	Hours at £	£196.00	£	196.00
(c) (number)	1.00	Hours travel and waiting at	£126.00	£	126.00
(b) (number)	1.00	Hours travel and waiting at	£196.00	£	126.00

Sub Total £ 6263.70

Brought Forward £ 6263.70

Counsel's fees (name) (year of call)Matthew Holdcroft 1998 & Nicholas Wilcox 1977

Matthew Holdcroft: Fee for (considering papers, drafting Application and Skeleton Argument)	£	674.33
Nicholas Wilcox: Preparation, working on documents and attending hearing on 29th July 2011	£	1,400.00
Fee (Nicholas Wilcox) for hearing on 9th August 2011	£	140.00 (EST)

Other expenses

(Court fees)	£	
Other	£	

(give brief description)

Total

Amount of VAT claimed
on solicitors and counsel's fees
on other expenses

Grand Total

£	8478.03
£	
£	
£	
£	8478.03

The costs above do not exceed the costs which the (party) is liable to pay in respect of the work which this estimate covers

Dated

4/8/2011

Signed

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

FOR DIRECTOR

Directorate of Legal Services
New Scotland Yard
Broadway
London
SW1H 0BG

There are four grades of fee-earner: (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 fee-earners of equivalent experience. "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 OF JUSTICE,
QUEEN'S BENCH DIVISION,
Central Office

Master Eyre

draft ORDER
in
KLOSTERKOTTER-DIT-RAWE 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:

- 1 As against the First Defendant, the claim-form and Particulars of Claim are struck out, and the action dismissed.
- 2 There is judgment for the First Defendant for costs, with liberty to seek a summary assessment.

Thursday, 04 August 2011

HOW COME THAT the one I was sent by the court is dated 02.04.11?

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: indeed, she has recently described him as “that evil, greed-ridden monster.”¹
- 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.²
 - (2) 2003: Mr. Ladsky complained to the First Defendant that the Claimant had used abusive language towards him when they were at the premises. 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. The First Defendant took the matter no further.
 - (3) 2007: The Claimant had by now launched her own web-site.³ It consists of a single page of nearly 50,000 words, in other words the single page is as long as some published novels. 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.” 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. 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, the First Defendant took the matter no further, but -- again not surprisingly -- recorded it “as a racial incident and nothing more.”
 - (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

¹ Claimant’s witness-statement of 27/06/11, § 77.

² Particulars of Claim, § 30 to 47.

³ <http://www.leasehold-outrage.com>.

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

- 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).
- 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.
- 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.
- 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.
- 9 For those reasons, the First Defendant's application must be granted.