



Miss Noelle Rawe - - - - -

1 September 2003

Our ref: LM.R360/1

Ext. 229

Your ref:

Dear Miss Rawe

Steel Services Limited -v- Yourself

Thank you for your letter of 28th August with enclosures the content of which I note.

In relation to the items that you raise my comments are as follows:-

- 1 A copy of the order made by the court on the 26th August should be sent to me and I will of course send a copy to you. I have written separately and enclosed a copy of my attendance note of the hearing, which gives the determination of the court.
- 2 I will of course send you copies of documents and or correspondence that I send and receive in respect of this matter.
- 3 I note the documents enclosed and in particular the correspondence from CKFT in relation to the application for summary judgement. That matter has now been concluded on the 26th August and I am not sure as to its relevance now.
- 4 Dealing with my terms and conditions and anticipated costs. You should also by now have received a note of this firm's charges in relation to the work done thus far and, as stated in that letter I will have regular bills sent out so we can both be aware of the matter.
- 5 The next stage is disclosure of documents and depending on the volume of documents in your possession that I have not seen it should cost in the region of no more than £500. In respect of counsel's fees for the 26th August these were £750.00 plus VAT. His next involvement (unless you wish him to research the LVT costs matter) should be in relation to witness statements and of course he will need to speak to Mr. Brock.

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6 You will not get a letter from the court confirming the amount you have agreed to pay but we will get an order from the court which will show the decision made on 26 August. A copy will be sent to you as soon as I receive it.

7 Dealing with matters that you want to achieve, you want a line drawn under the costs giving the Claimant no opportunity to ask you for more money. (2) assume that is in relation to the LVT proceedings. (3) You have an application standing in the Leasehold Valuation Tribunal seeking an order that the costs incurred in the Tribunal are not recoverable from you through the service charges. (4) That is not a matter upon which I am instructed. (5) In relation to the county court proceedings as you know at the last hearing no order for costs was made which means the parties will bear their own costs and an order was made in your favour for the previous hearing. (6) IN the same way that an application was made by you to the LVT pursuant to S.20c of the 1985 Landlord & Tenant Act, a similar application would need to be made in the County court in respect of the costs incurred on the 26th August.

8 You say you want to ensure works that are carried out are what you have paid for. Hopefully I have dealt with this point in my draft letter to CKFT sent to you under separate cover.

9 I am not sure I follow why you say they need to issue a section 20 notice. Whilst I have not seen one I imagine that any omission to serve a section 20 notice would have been noted and dealt with prior to this. If you are saying that you have received no S.20 notice demanding the sums the Claimants were claiming then you must confirm this. !! (A)

10 In relation to the Tribunal's direction regarding the contingency fund, once again the Tribunal although they say it may be unethical for the Claimant not to use the contingency fund they have stated that they do not have the authority to make any direction in relation to the contingency fund. That is absolutely crystal clear and I do not see how you can force CKFT and or Martin Russell to do so although I would hope to be able to put pressure upon them to do so. I have now seen your e mail of 31 August and no doubt when you receive a reply from Miss McGrath you will let me know. !!

11 In relation to the surcharge of 6.45% as dealt with by Mr Brock, he says that it would be a matter for the landlord as opposed to the lessees and I note that point. I am not sure I follow why you say that you want to ensure their request for payment complies with the terms of your lease. That seems to imply that you think that any !! (B)

(A) See her letters of 9 April & 23 June 03 to Oliver Fisher (my then solicitors) + consider that she had a copy of the 17 June 03 LVT report. + she had a copy of Mr Brock's 31 July 03 Assessment of Mr's decision.

(B) Unbelievable! And they claim to be experts in landlord/tenant disputes!



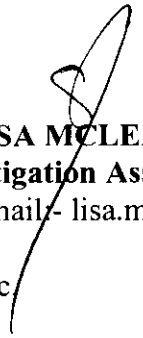
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previous request has not been properly complied with (perhaps the section 20 notice point) but I am not aware of any failure to comply on their request for payment and perhaps you could confirm.

12 I do say *if* the court awards costs to you because as you are aware through your own litigation experiences it is not possible always to predict the outcome of a hearing. Generally speaking, in the event that you were successful you would be awarded a contribution to your costs from the Claimant. In the event that you were unsuccessful you would be ordered to pay a contribution to their costs. You must also however note the position regarding their ability to charge back in any event and your option is the S.20c application. Route. At this stage until we have managed to speak with or meet Mr. Brock I am unable to give an assessment of your chances of success as it depends on how confident Mr. Brock is that his arguments could successfully be put to the court. Once we have seen or spoken to him we can then assess more properly your position and your prospects of success. ! (C)

Finally, I note your comments in respect of Mr Ladsky.

Yours sincerely


LISA MCLEAN
Litigation Assistant
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Enc

(C) Same comments

As under my

Note (A) on

previous page

See my 3 Sep
Reply to
her letter.