

Mr Ahmet Jaffer
Portner and Jaskel LLP
63/65 Marylebone Lane
London W1U 2RA

Ms N Klosterkotter-Dit-Rawé
[]

(By 'Special Delivery')

Ref: Rootstock Overseas Corp et. al., WLCC claim ref 7WL00675
30 January 2009 Detailed Assessment hearing, Supreme Court Costs Office, ref. CCD 0806340

19 January 2009

Dear Mr Jaffer

YOUR DERISORY "OFFER" OF 14 JANUARY 2009

I acknowledge receipt of your derisory "*without prejudice offer save as to costs*" of £4,500.00, dated 14 January 2009, posted on 15 January 2009, of which I took delivery on Saturday 17 January 2009.

I wonder why your client is making this offer:

1. fifteen days before the scheduled Detailed Assessment hearing in the Supreme Court Costs Office, on 30 January 2009 - and therefore one week before the deadline for filing the documents in court,
2. considering that your client has had a six and a half months window of opportunity to do it (You received my 26 June 2008 Statement of Costs on 27 June 2008. Following your silence, nearly one month later, on 23 July 2008, you received my 22 July 2008 'Notice of Commencement of Bill of Costs'. This was followed by my 26 August 2008 reply to your 11 August 2008 Points of Dispute, as well as your being copied on my 26 August 2008 application to West London County Court for Detailed Assessment hearing);
3. and why 'this particular' impending Detailed Assessment hearing - of which you have been made aware since 19 December 2008 (SCCO Notice of 18 December 2008) - leads your client to do this, whereas the Detailed Assessment hearing that was 'scheduled to take place' in West London County Court on 4 November 2008 – did not?

See My Diary 22 Nov 08

While your conduct and that of your client since filing the **fraudulent claim against me** on 27 February 2007 (a repeat of your client's conduct and of his other solicitors, Cawdery Kaye Fireman & Taylor in relation to the **equally fraudulent** WLCC 29 November 2002 claim ref. WL203537 filed against me) demonstrate that you ALL treat Her Majesty's Court Service with absolute, utter contempt, perceiving it as a forum to be used and abused for the purpose of extorting monies not due and payable from leaseholders, I draw your attention to para 46.1 of the PD for CPR Rule 47.19

"An offer made by the paying party should usually be made within 14 days after service of the notice of commencement on that party".

I also refer you to *Willis v Crown Estate Comrs* [2003] EWHC 1718 (Ch), [2003] All ER (D) 410 (Oct) in which the High Court judge said "*This appeal emphasises the need for paying parties who wish to protect themselves against the costs consequences of CPR 47.19 to make realistic settlement offers at the beginning of the detailed assessment proceedings and not at the end. The court is bedevilled by late settlements*"

Hence, in the context of CPR 47.19(b), should events during the currently scheduled 30 January 2009 hearing lead to your bringing this "offer" to the attention of the court, I will highlight the above as further evidence of your vicious, malicious and vexatious conduct. And, at this point in the proceedings – for the record - I will - yet again – re-emphasise CPR Rules 44.14, 44.5, 44.3, as well as 47.18

Your "offer" of £4,500.00 is derisory as my Bill of Costs is demonstrably reasonable both, in terms of proportionality and reasonableness of the sums incurred – given the events that led to my incurring and building these costs during the 16 months onslaught I have been subjected to.

As glaringly obvious, among others, from my enclosed 19 January 2009 updated reply ¹ to your 11 August 2008 Points of Dispute (in my 11 November 2008 letter I informed you that I would update my 26 August 2008 reply) it is **your** conduct and that of **your** client – from pre-issuing the claim i.e. starting with your fraudulent and malicious letter of 16 February 2007 in which you threatened me with bankruptcy proceedings and forfeiture - that have forced me to incur ALL of these costs.

Therefore, the only offer I am prepared to accept – in relation to the Detailed Assessment proceedings – is full reimbursement of my costs. (I reserve my rights in full in relation to other actions).

My total costs - to date - are £8,397.07. They are made up as follows:

£7,277.43	As detailed in my 11 November 2008 amended Bill of Costs, sent to you by 'Special Delivery-Next Day', on 12 November 2008
£ 1,119.64	My additional costs since 30 June 2008 to cover the £300.00 court fee, compiling and issuing various documents – see attached for detail ² As relevant, I have the receipts in support of these additional costs.
£ 96.37	Additional interest since 30 June 2008 – see attached for detail ³

To my costs to date will be added all other costs I incur up to and inclusive of the hearing.

In addition to implying that I am liar, your "offer" of £4,500.00 "save as to costs" implies that you anticipate that the SCCO will award an amount that is less than £4,500.00. It will be fascinating to see how you can defend your position that I am only entitled to recover this amount.

Considering the unbelievably damning evidence against your firm and your client, if the SCCO were to award me less than £4,500.00 – and consequently issue an order that I pay your client's costs - it would demonstrate that this court is, likewise, colluding with you and your client. Such outcome would make a great addition to my website – to which would subsequently be added my appeal to the High Court against the decision.

See My Diary 30 Jan 09

Should you decide to come back to me with an offer covering *all* of my costs to date, please do so by return of post.

At the latest, by Friday 23 January 2009, I will ensure that my enclosed 19 January 2009 reply to your Points of Dispute, 11 November 2008 Bill of Costs and updated bundle are delivered to the Supreme Court Costs Office. Concurrently, I will also ensure that my bundle is delivered to your office.

Yours sincerely,

N Klosterkotter-Dit-Rawé

¹ My 19 January 2009 updated reply to 11 August 2008 Points of Dispute

² My additional costs since 30 June 2008

³ Additional interest since 30 June 2008



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