

Mr Ahmet Jaffer
Partner and Jaskel
Solicitors
63/65 Marylebone Lane
London W1U 2RA

Ms N Klosterkotter-Dit-Rawé
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5 June 2008

(By 'Recorded delivery')

Ref: Your West London County Court claim, **7WL00675**, dated 27 February 2007 – Ref JHESVM232082

Dear Mr Jaffer

Further to your 23 May 2008 letter (posted on 27 May) in which you state:

- 1 ***"We received your letter of 21st May 2008 enclosing two lever arch files of copy documents you wish to rely upon at the hearing of this claim. The majority of the documents provided (without any request from us)..."***

I supplied you – within the 21 May 2008 deadline set by the 9 April 2008 Case management Order (point 2 (b)) – with a copy of all the documents I listed in my 6 May 2008 Standard Disclosure, to avoid the possibility of your falsely claiming that you had sent me a request for documents. In doing this, I was conscious of the fact that, in your Client's 22 August 2007 Skeleton Argument, you falsely claimed that you had not received my 3 May 2007 Skeleton Argument.

- 2 ***"The majority of the documents provided... are disproportionate and irrelevant to the issues in the proceedings" "Please understand that the Courts are extremely busy and therefore you must contain your issues to the present claim of the outstanding service charges"***

Your comments are to be expected, as my documents - referred to in my Witness Statement of 3 June 2008 (sent to you on that date by "Special Delivery - Before 13h00 next day", and stating a weight of 0.402kg) – support my position that:

- (1) the 27 February 2007 claim – which includes service charges from year 2003 onwards - is fraudulent;
- (2) that, in the process of attempting to make me pay the service charges claimed, since 2002, I have suffered breach of covenants in my Lease, of my statutory rights, as well as rights under court rules - and have been subjected to blackmail, extortion, harassment and bullying tactics.

If your Client is so sure that he can justify his claim against me:

1. Why have you failed to send me your Client's Witness Statement by the 4 June 2008 deadline set in the WLCC's Case Management directions Order of 9 April 2008? The Order states: "3) *Both parties shall, by 4 pm on Wednesday, 4th June 2008, serve on each other the witness statements of themselves and of all witnesses (other than expert witnesses) on whom they intend to rely*". By 19h00 yesterday, your Client's Witness Statement had *not* been delivered to me.
2. Why has your Client repeatedly ignored – over the past 16 months - my numerous requests for evidence in support of the claim? I remind you that I first asked in my 25 February 2007 reply to Mr Jeremy Hershkorn's letter of 16 February 2007 in which he threatened me with bankruptcy proceedings and forfeiture unless I immediately paid the sum of £8,937.28 – in the name of a company I had never heard of at the time (as subsequently proven). Your client's reply was to ask your firm to file the 27 February 2007 claim against me.
3. Why have you failed to reply to my 19 May 2008 Part 18 Request for information? (As per CPR PD 18 – 5.5(2), the deadline was 2 June 2008).

4. Why did your Client falsely claim in his 22 August 2007 Skeleton Argument that you had not received my 3 May 2007? On the basis of this false claim, point 8 of the Skeleton Argument states *“The Claimant has delayed service of its skeleton to the present date in the hope that it may have been able to respond constructively to Defendant’s arguments on the application”*

- 3 ***“This case is listed for a fast-track hearing with an estimated length of one day. It is unlikely that the Judge hearing this case will have sufficient time to read the very voluminous bundle of documents you have submitted as well as hear oral evidence and submissions on both sides within one day. We would suggest therefore (subject to the Court’s approval) that this case be transferred to a Multi-Track listing with an estimated length of hearing of 2 days...”***

I highlight the following in the context of the Court’s decision:

- The 9 April 2008 Case Management Order state: *“4) No party may rely on or adduce the evidence of any witness whose statement has not been served in accordance with this Order”*
- As previously stated, you have failed to send me your Client’s Witness Statement by the stated deadline of 4 June 2008.

and enclose copy of my 5 June 2008 letter to WLCC highlighting these two points ¹.

Yours sincerely

N Klosterkotter-Dit-Rawé

cc. Court Manager, West London County Court, 181 Talgarth Road, Hammersmith, London W6 8DN (By ‘Special Delivery)

¹ My 5 June 2008 letter to WLCC

Court Manager
West London County Court
181 Talgarth Road
Hammersmith
London W6 8DN

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Ref: West London County Court claim, **7WL00675**, dated 27 February 2007 – Ref JHESVM232082

Dear Madam / Sir

Further to Mr Ahmet Jaffer, Portner and Jaskel, copying your Court on his 23 May 2008 letter to me, in which he states, among other:

"This case is listed for a fast-track hearing with an estimated length of one day. It is unlikely that the Judge hearing this case will have sufficient time to read the very voluminous bundle of documents you have submitted as well as hear oral evidence and submissions on both sides within one day. We would suggest therefore (subject to the Court's approval) that this case be transferred to a Multi-Track listing with an estimated length of hearing of 2 days..."

I draw your attention to the following major failing on the part of the Claimant – and its implication:

- **The Claimant has failed to send me its Witness Statement by the stated deadline of 4 June 2008 –** as reported in my attached letter of 5 June 2008 to Mr Jaffer ¹ The WLCC **9 April 2008** Case Management directions Order states: *"(3) Both parties shall, by 4 pm on Wednesday, 4th June 2008, serve on each other the witness statements of themselves and of all witnesses (other than expert witnesses) on whom they intend to rely"*

As you know from being copied on my 3 June 2008 covering letter to Portner and Jaskel, I have sent my Witness Statement on that date. (I did this by *"Special Delivery next day before 13h00"*)

- **The 9 April 2008 Case Management directions Order state:** *"(4) No party may rely on or adduce the evidence of any witness whose statement has not been served in accordance with this Order"*

Clearly, this failure by the Claimant has major implications in terms of the management of the case.

Yours faithfully

N Klosterkotter-Dit-Rawé

cc. Mr Ahmet Jaffer, Portner and Jaskel, Solicitors, 63/65 Marylebone Lane, London W1U 2RA (By Recorded Delivery)

¹ My 5 June 2008 letter to Mr Ahmet Jaffer, Portner and Jaskel



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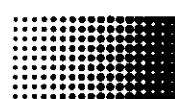
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