

Logbook name: [REDACTED]

Membership number: [REDACTED]

1. Competency: 1	Learning Outcome: 1.3
Identify and deal with the issues arising in a matter	
2. Evidence provided:	
Letter to Claimant solicitors	
3. Outline how the evidence demonstrates you meet the outcome	
<u>Relevant issue:</u> The issue is that the Claimant has failed to comply with the Court Order to file a correctly signed List of Documents by a certain date.	
<u>Dealing with the issue:</u> In order to deal with the issue, I wrote to the Claimant solicitors advising of their failure to comply and putting them on notice that should they fail to comply within the next 7 days I would be making an Application to Court. I advised the Client that the Claimant had failed to comply and then filed an Application with the Court for the Claimant's claim to be struck out. I gave the Claimant a reasonable amount of time to comply and they failed to do so.	
<u>Action taken:</u> A letter to the Claimant solicitor advising of their failure to comply and later the filing of an Application due to the ongoing failure to comply.	
4. Reflection and evaluation	
I learnt the importance of being reasonable and taking the time to explain to the Claimant why their failure was important and why we were taking issue. I understood that issues like this may occur on a file and I also learnt what reasonable steps to take should an issue like this occur in the future.	
5. Completion date: 11/11/2013	
6. Signed (applicant) [REDACTED]	Date: 15/10/2014
7. Signed (supervisor) [REDACTED]	Date: 15-10-14

[Redacted]

By email: [Redacted]

Your Ref:

Our Ref:

Date:

Please ask for:

Direct Dial:

E-mail:

Direct Fax:

[Redacted]
[Redacted]

11 November 2013

[Redacted]

Dear Sirs

Our Client: [Redacted]

Your Clients: [Redacted]

Incident Date: 21/01/2013

We write further to the above matter.

We note your continued reluctance to comply with the Court Order dated 18 October 2013.

We consider your List insufficient as it must be the actual party that signs the list having conducted a reasonable and proportionate search for documents that may be disclosable. This is apparent from the wording of the CPR, the accompanying Practice Direction and from the standard N265 Form itself which provides no option for a "solicitor" to sign the List on behalf of their client. As such, the disclosure statement is not endorsed with a valid statement of truth. The Claimant is therefore in breach of CPR Part 31.10(5) and CPR PD31, paragraph 4.1. Paragraph 4.1 states that the List "must" contain a disclosure statement. Only the Claimant is authorised to sign the disclosure list and he has failed to do so.

We request copies of the List of Documents signed by your clients within the next seven days, failing which we will make an Application to the Court without further notice.

We reserve the right to draw this letter to the attention of the Court.

Yours faithfully

[Redacted]

FAO: The Court Manager

[Redacted]

Your Ref:

[Redacted]

Our Ref:

[Redacted]

Date:

21 November 2013

Please ask for:

Direct Dial:

E-mail:

Direct Fax:

[Redacted]

Dear Sirs,

[Redacted]

Claim Number: [Redacted]

We act for the Defendant in this matter.

We enclose:-

- 1. Notice of Application
- 2. Draft Order
- 3. Cheque for £45.00 in respect of the Court fee made payable to [Redacted]

Yours faithfully

[Redacted]