

CASE STUDY MATERIALS

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Level 3
CIVIL LITIGATION
Subject Code L3-9



INSTITUTE OF LEGAL EXECUTIVES

UNIT 9 – CIVIL LITIGATION*

CASE STUDY MATERIALS

Information for Candidates on Using the Case Study Materials

- This document contains the case study materials for your examination.
- In the examination, you will be presented with a set of questions which will relate to the case study materials. You will be required to answer all the questions on the examination paper.
- You should familiarise yourself with the case study materials prior to the examination, taking time to consider the themes raised in the materials.
- You should take the opportunity to discuss the materials with your tutor/s either face to face or electronically.
- It is recommended that you consider the way in which your knowledge and understanding relates to the case study materials.

Instructions to Candidates Before the Examination

- You will be provided with a clean copy of the case study materials in the examination.
- You are **NOT** permitted to take your own copy of the case study materials or any other materials including notes or text books into the examination.
- In the examination, candidates must comply with the ILEX Examination Regulations.

Turn over

* This unit is a component of the following ILEX qualifications: **LEVEL 3 CERTIFICATE IN LAW AND**

ADVANCE INSTRUCTIONS TO STUDENTS

You are a trainee Legal Executive employed by the firm of Kempstons of Manor House, Bedford, MK42 7AB. Your supervising solicitor is Roger Daventry.

You arrive at work and find the following documents on your desk:

- | | |
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| Document 1 | Memorandum from Roger Daventry, supervising solicitor |
| Document 2 | Facts relating to incident at Cotton Brothers Amusement Park |
| Document 3 | Witness Statement of Jianzhong Chen |

DOCUMENT 1

Memorandum

To: Trainee Legal Executive

From: Roger Daventry

Re: Covering my Paternity Leave

As you know I am away for the next two weeks to spend time with my wife and new daughter. Would you kindly deal with the following:

Cotton Brothers Amusement Park

The Cotton brothers have received an informal letter from Mr Johnson about an incident at the amusement park. They are now concerned that legal action will be taken against them. (I have compiled a brief incident report for background information, marked '**Document 2**'). These are very important clients to the firm so do everything possible to assist.

Ellen Bones

Three years ago as a birthday present, the client was given a voucher for an intensive session of flying lessons from We Got Wings Ltd. Due to illness she was unable to learn to fly but she is now ready to do so. She has informed the company and they have told her that her course is no longer available, the time limit having run out. I have seen the voucher and it shows no such restrictions on when it is to be used. We Got Wings Ltd are a member of the Association of Flight Instructors (AFI).

Citizens Advice Bureau

The representation we as a firm provide at the local CAB needs to continue in my absence. There are two cases which you will need to consider for your attendance at the CAB next week as appointments have been made with the clients to discuss their cases further.

The first matter concerns **Jenson Bluebell** who purchased a car for £6,500 and now wants his money back as the car engine has blown up.

The second concerns **Nigel Mardell** who has obtained judgment for the sum of £23,000 against Elizabeth Monk.

You will find both files have been placed on your desk for your consideration. Please make sure you get the funding requirements sorted out.

Jianzhong Chen

Mr Chen has completed his witness statement concerning the recovery of £14,000 (**Document 3**). Please ensure that he is fully updated as to how the matter is progressing in my absence.

DOCUMENT 2

Facts relating to incident

Robert Johnson took his son David Johnson (aged 12) and daughter Helen Johnson (aged 8) to the Cotton Brothers Amusement Park in Kempston. The amusement park is a family business which is owned and operated by Victor and Stephen Cotton. They wish to improve and expand the business.

The amusement park installed 'The Eradicator' a fortnight ago, an extremely fast roller coaster which was built exclusively for the amusement park. Since 'The Eradicator' was installed the amusement park has more than doubled the number of visitors.

On the day that the Johnsons attended the amusement park the chief maintenance engineer was absent and the normal checks on the roller coaster were not made. Despite this Victor and Stephen Cotton decided to still run the ride due to its popularity and thought that it was unlikely that anything would go wrong with the ride as it was brand new.

The Johnsons queued for two hours to go on the ride. Unfortunately, at that point the signs indicated that Helen Johnson would be far too small to go on the ride. Robert Johnson decided that he would try to get Helen onto the ride regardless of the restriction.

Once they reached the front of the queue Robert hid Helen from the operator of the ride and managed to get her seated on The Eradicator. When the safety barrier came down across the occupants of the cars it was obvious that it would not keep his daughter within the car and he sought the attention of the attendant. Unfortunately the attendant did not see him or hear his cries and started the ride.

The ride started and the cars reached the first incline on the track. The failure to check the track meant that a piece of debris had been missed causing the car to come to a sudden halt. Helen was not stopped by the safety barrier and fell some 10 metres from the car. Helen suffered multiple fractures and breaks to her legs, she will be in a wheelchair for at least six months and it is expected that she will only recover 70% use of her legs after this time.

Robert Johnson believes that the amusement park was at fault for his daughter's injuries. He claims that they did not ensure that the track was clear. In addition they failed to keep an appropriate lookout for those who may be injured by going on such a ride and preventing them from going on the said ride.

DOCUMENT 3

Witness Statement of Jianzhong Chen dated 27 November 2010

1. I am 37 years old and live at 38 Jameson Road, Kempston, Bedford MK42 7AB. I am a dentist.
2. I have for a number of years collected pocket watches and I had the opportunity four months ago to purchase what I thought was a seven day repeating watch from the 19th Century. This is a particularly rare watch and its value is approximately £14,000.
3. Mr Rodney Buckingham owns an antiques shop in Kempston and telephoned me to say that he had a watch that I may be interested in purchasing. The following day I attended his shop and on inspecting the watch agreed the £12,000 price.
4. A month ago I took the watch to a collector's meeting and Mr Frank Gently, a fellow collector, inspected the watch. On looking closely at the watch he was certain that it was a fake, a very good fake, but a fake nonetheless.
5. I was deeply upset and the following day contacted Mr Buckingham to discuss the return of my money. He said that he did not give refunds, the watch had been sold as seen and as far as he was concerned it was genuine.
6. Mr Buckingham has ignored the two letters I have sent him requesting the return of my money and refuses to talk to me on the telephone.

I believe that the facts in this witness statement are true.

Signed

Jianzhong Chen

End of Case Study Materials

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