

## CASE STUDY MATERIALS

June 2011  
Level 3  
CIVIL LITIGATION  
Subject Code L3-9

The logo for ILEX, consisting of the word "ilex" in a blue, lowercase, sans-serif font.A diagonal watermark in the top right corner that reads "StudentBounty.com" in a grey, sans-serif font.

## 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*

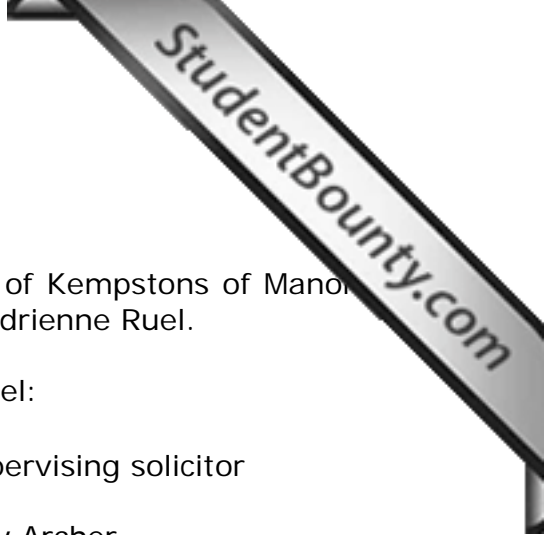
\* This unit is a component of the following ILEX qualifications: **LEVEL 3 CERTIFICATE IN LAW AND**

**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 Adrienne Ruel.

The following documents are given to you by Adrienne Ruel:

- Document 1**            Memorandum from Adrienne Ruel, supervising solicitor
- Document 2**            Facts relating to incident involving May Archer
- Document 3**            Court Order



DOCUMENT 1

Memorandum

To: Trainee Legal Executive  
From: Adrienne Ruel  
Re: Continued Training

---

As part of your continuing training you will need to consider the following cases:

**May Archer**

We are representing May Archer in respect of her claim against The Jeremy Taterton School for Ladies. Please read through the incident report (**Document 2**) and be prepared to answer some questions.

**John Bailey**

John Bailey is a new client who ran a dog grooming business. Unfortunately the business has now failed and he is seeking to recoup money from a number of former clients who failed to pay. As I understand it, the largest amount is owed by Luke Turnbull and is £2,342. John Bailey is coming in on Tuesday and I would like you to interview him.

**Alice Trinder**

As you are aware we have acted for Alice Trinder on a number of occasions in relation to her business, this matter however relates to her wedding. Having booked Alex Crippen to sing at her wedding, he turned up drunk and was violently sick over a guest. Having failed to sing more than one song he left having ruined our client's wedding reception. Court proceedings have been issued and we have received notice of an Order from the Court to the Defendant in relation to this matter (**Document 3**). I need to know what the current position is.

**Taran Khan**

Mrs Khan has attended Mega Gym for the last three years. Last week she was using the running machine when it malfunctioned. It speeded up and although she tried to keep up with it, eventually she fell injuring herself. She broke her collarbone, her nose and fractured her kneecap. She has been off work as a consequence of her injuries and is unlikely to return to work for the next three months. She works as a dentist in private practice.

**Facts relating to incident**

The Jeremy Taterton School for Ladies is a private school which has over three hundred students and is based in Kempston. The school prides itself on its sporting prowess and holds a sports day each year to show off the sporting talents of those who attend the school. The parents of students are invited to attend.

One of the students is Kate Walsingham who attends the school's sixth form and is 18 years old. For the last three years she has been the under 18s women's champion for Kempston at the javelin. The school headmaster asked her to throw the javelin as the centre piece of the afternoon's activities.

On the day of the event about two hundred parents attended and were seated to the side of the athletics track. The afternoon progressed well with all students and parents having an enjoyable time. As well as the more established athletics events, younger students are encouraged at the school to get involved in the more traditional sports day events.

The event before the javelin was the egg and spoon race and unfortunately a number of hard boiled eggs were discarded on the field and not collected after the race. At 2.30 in the afternoon Kate Walsingham went onto the athletics field to throw the javelin as the highlight of the day.

Having taken her run up to throw the javelin she slipped on one of the discarded hard boiled eggs. As she slipped, she released the javelin which went into the crowd of spectators. May Archer was attending the sports day as her daughter was a student at the school and was one of the spectators in the crowd.

The javelin hit May Archer in the right shoulder causing some damage to the muscle tissue and chipping the bone. She was rushed to hospital where she was successfully operated on. Her prognosis is good and she should regain full movement in her shoulder after six months.

Due to the school failing to clear the athletics field of eggs after the egg and spoon race it is clear that they should take full responsibility for the accident. However it appears from preliminary conversations with the solicitor acting for the school that they see it as Kate Walsingham's fault and not the school's. The reason for this is because another pupil, Hannah Stone, has told the headmaster that she saw Kate Walsingham drinking alcohol at lunch time before the javelin demonstration took place. The school believes this is the reason why the javelin was incorrectly thrown.

IN THE KEMPSTON COUNTY COURT

Case. No. B79347

BETWEEN

Alice Trinder

(Claimant)

v

Alex Crippen

(Defendant)

**ORDER**

It is **Ordered** that unless the Defendant files and serves an Allocation Questionnaire by 4.00 pm on Monday, 30 May 2011, the Defence shall be struck out.

Signed:

*Johnson DJ*

Dated: 23 May 2011

**End of Case Study Materials**

© 2011 Institute of Legal Executives





