

**CASE STUDY MATERIALS**

January 2014  
Level 3  
CIVIL LITIGATION  
Subject Code L3-9



CHARTERED INSTITUTE  
OF LEGAL EXECUTIVES

StudentBounty.com

**THE CHARTERED 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 CILEx Examination Regulations.

*Turn over*

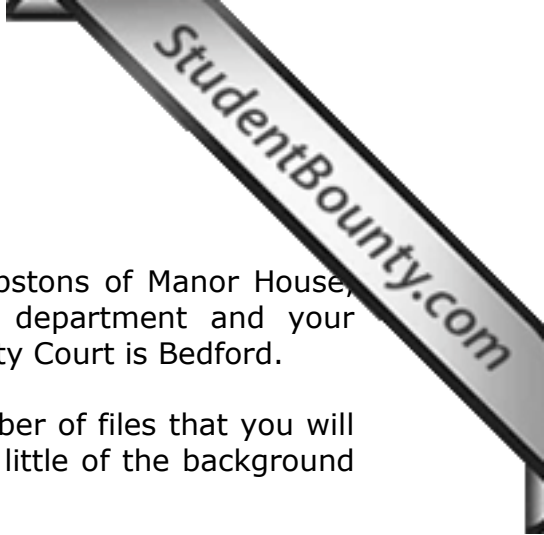
\* This unit is a component of the following CILEx qualifications: **LEVEL 3 CERTIFICATE IN LAW AND**

**ADVANCE INSTRUCTIONS TO CANDIDATES**

You are a trainee lawyer employed by the firm of Kempstons of Manor House, Bedford, MK42 7AB. You work in the civil litigation department and your supervising partner is Yvette Johnson. Your nearest County Court is Bedford.

As part of your continuing training Yvette has left a number of files that you will need to work on, together with a Memorandum giving a little of the background on the files allotted to you.

- Document 1**            Memorandum from Yvette Johnson to Trainee Lawyer
- Document 2**            Extract from Form N9D - Defence filed by Hovetons Supermarket Ltd
- Document 3**            Draft Witness Statement of Ronald Abram
- Document 4**            Telephone Message from Carlita Riccelli
- Document 5**            Copy of Letter of Claim from DFL Wired Electrics Ltd to Gail Teel
- Document 6**            Attendance Note relating to Madu Azikiwe Trading As Chippy Chippy Bang Bang



**DOCUMENT 1**

**MEMORANDUM**

**To:** Trainee Lawyer  
**From:** Yvette Johnson  
**Date:** [Today's Date]

Please ensure that you read through the files carefully and consider what needs to be done. To assist I have provided this brief summary.

1. The **Laith Sudworth** file (file ref: LS/YJ/94/13). Mr Sudworth was shopping at Hovetons Supermarket in Kempston when he slipped on some orange juice that had been spilled. He fell heavily on his hand and knee causing personal injury. I calculated that the client should be entitled to £16,000 in damages. Early on in negotiations Helen Baxter, the managing director of Hovetons Supermarket, confirmed that the supermarket does not have public liability insurance. You will find on the file the Defence from the supermarket (**Document 2**). We also have a draft witness statement from another customer, Ronald Abram, on the file (**Document 3**).
2. **Carlita Riccelli** will be coming to the office next week. Please interview her and open a new file. Before you see her you may wish to get her purchase file from the conveyancing department and look at the copy of the survey (copy not reproduced). A copy of the recent telephone message (**Document 4**) will need to be put on the file.
3. The **DFL Wired Electrics Ltd** file (file ref: DFL/YJ/132/13). You will see on file a copy of the letter of claim that the Customer Services Director, Jerry Hackett, sent to Gail Teel four weeks ago (**Document 5**). Jerry Hackett informs us that he has not received a reply and would like us to deal with the matter from this point forward.
4. The **Madu Azikiwe trading as Chippy Chippy Bang Bang** file (file ref: MA/YJ/92/13). Mr Azikiwe runs a number of mobile fish and chip shops around the Kempston area. He is currently in dispute with his fish supplier (**Document 6**).

**Extract from Form N9D – Defence filed by Hovetons Supermarket Ltd****1. Defence**

We deny any responsibility for the injuries sustained by Mr Laith Sudworth on the 4 June 2012 at our Kempston supermarket.

We have a system for regularly checking the floor and removing any item that might cause a tripping or slipping hazard. In the present case the aisle had been checked ten minutes before the incident occurred.

The injury sustained by Mr Sudworth was caused by his own negligence. He dropped the carton of orange juice and caused the spillage. He then slipped on the spilt orange juice.

In the alternative if the spillage was caused by someone other than Mr Sudworth, warning signs were put out to warn customers of the danger and he should take some responsibility for the injuries sustained.

(2. Details not needed)

**3. Signed** – To be signed by you or by your solicitor or litigation friend. Position or Office Held

<p><del>*(I believe)(The defendant believes) that the facts stated in this form are true</del>  <del>*I am duly authorised by the defendant to sign this statement.</del></p> <p><i>Helen Baxter</i></p> <p>*delete as appropriate</p>	<p>Managing Director</p>
--	--------------------------

**Draft Witness Statement of Ronald Abram**

1. I am 28 years old and live at 4 High Street, Kempston, Bedford MK42 3DG. I am a graphic designer.
2. On the 4 June 2012 at approximately 12.30pm I was in Hovetons Supermarket in Kempston doing some grocery shopping. While going down one of the aisles I noticed a man in front of me, who I now know as Mr Laith Sudworth, slip and fall.
3. Mr Sudworth cried out and I went over to where he had fallen to see if he was alright. On approaching him I could see that he was in pain and he complained that he had injured his hand and knee in the fall. I left him and found a member of staff who I then escorted back to where Mr Sudworth was on the floor.
4. On seeing a customer on the floor, the member of staff said he was going to call an ambulance. I stayed with Mr Sudworth until the staff member returned and informed me that an ambulance had been called and he would now stay with Mr Sudworth.
5. As I was leaving the aisle I noticed that across the floor where Mr Sudworth had fallen there was liquid and a carton of orange juice. I can only assume that he slipped on the spilt orange juice.
6. There were no signs or warnings down the aisle to warn customers of a possible slip risk when the incident occurred. As I passed the aisle again on my way out of the shop I saw two members of staff taking warning signs to the area.

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

**Telephone Message from Carlita Riccelli**

**Date:** [Today's Date]

**For:** Yvette Johnson

**Taken by:** Holly Williams (Secretary)

**Re:** File

**Time:** Call taken at 9.35

Carlita Riccelli telephoned very upset about her new home. Apparently the surveyor, Harold Milligan, missed some major structural problems with the property and she wants to talk to you about suing him.

After looking at your diary I have arranged the interview for next Thursday at 10.45.

DOCUMENT 5

DFL Wired Electrics Ltd



32 High Street  
Kempston  
MK40 3AB

Ref: TG/09/13

Gail Teel  
Teel Training  
12 Kings Way  
Kempston  
MK42 4DC

Dear Madam

**Re: Outstanding Invoice 381 for £11,700**

Despite having supplied and installed a high specification interactive whiteboard system at your training premises some two months ago you have ignored our previous correspondence on this matter and failed to pay the invoice.

If we do not receive full payment within the next three weeks proceedings will be issued for the recovery of the outstanding £11,700. Please note that any legal costs associated with the claim will be sought from you.

Yours faithfully

*Jerry Hackett*

Jerry Hackett  
Customer Services Director

DOCUMENT 6

ATTENDANCE NOTE

Attendance on: Madu Azikiwe  
Attended by: Yvette Johnson  
Date: [Date]  
Time Taken: 30 minutes - attendance  
5 minutes – dictating attendance note

Attending Madu Azikiwe, the sole owner of Chippy Chippy Bang Bang mobile fish and chip vans. Mr Azikiwe has a fleet of ten mobile fish and chip vans which supply Kempston and the surrounding villages.

Mr Azikiwe has always obtained his frozen fish from the same supplier, HP Samson Ltd and has in the past been happy with the quality and price that he was charged. Purchase of fish by the business from HP Samson Ltd on an annual basis is approximately £60,000.

Two months ago HP Samson Ltd substantially increased the cost of the fish and Mr Azikiwe told the sales representative for HP Samson Ltd that he would no longer be purchasing his fish from them as they were now too expensive.

A week after the conversation, Mr Azikiwe received a letter from HP Samson Ltd (not reproduced), stating that he was still under contract to be supplied with fish for the next six months. Before receiving the letter Mr Azikiwe had already arranged an alternative supplier of fish.

Mr Azikiwe is concerned that HP Samson Ltd may take him to court to 'enforce' their contract. However, Mr Azikiwe is adamant that he has not agreed to such terms and has not contacted the company since receiving the letter.

I told Mr Azikiwe that I would need to check if there was a valid contract. I assured Mr Azikiwe that if there is no ongoing contractual arrangement with HP Samson Ltd then he has nothing to be concerned about.

I asked Mr Azikiwe to bring in all of the documentation and correspondence he has in his possession that relates to his dealings with HP Samson Ltd to the office at the earliest opportunity.

**End of Case Study Materials**