

Our Ref: DEF/C/78312/192/DEF
Your Ref: P26163

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SW17 0BA
FAO DAVID GUYAN

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defence@thomashiggins.com

29/07/2015

Dear Sirs,

Re : MR CARPET LIMITED V MR DARREN TEASDALE
A/c: P26163
Case No. : B7AA14N6

WHAT TO DO NEXT

Please read this letter carefully as it explains what you should do next.

1. Notice of Change

The first step is to file and serve the Notice of Change of Acting, this places you on the Court record as acting.

Complete the tick boxes and sign the Notice, photocopy it 3 times and send one copy to the new Court and another to the Defendant **after 7 to 14 days from the date of this letter to allow the Court time to receive the file**. A copy should be returned to our office with the fourth copy being retained for your own records. Once this is received by the Court, all future paperwork will be sent directly to you, not this Firm, so you will be able to deal with the action much more efficiently.

You should send the signed Notice of Change to the County Court at THE COUNTY COURT AT WANDSWORTH whose details can be found at www.courtribunalfinder.service.gov.uk

2. Directions Questionnaire

The Court will now issue Directions Questionnaires ("DQ"), unless it has already done so. If you need to complete the DQ please do this using the printed guidelines at the back of the form and ensure it is sent to the Court by the specified date to avoid your Claim from being struck out.

One of the questions on the DQ is whether or not you wish to consider settlement/Mediation. This is an important decision because the Court actively encourages parties to negotiate/settle at an early stage and to avoid a Hearing wherever possible.

The conduct of the parties is scrutinised and where the Judge considers that one has acted unreasonably (i.e. refused to negotiate) the Court has the power to penalise that party, usually by way of an adverse costs Order.

You should keep a note of your attempts to resolve the matter for production at the Trial should this be necessary.

3. Hearing notice/date



Once the Court receives the DQ you will receive a Hearing Notice confirming the date and time that your Claim will be decided by the Court. That Notice will include a number of Directions, i.e. things that the Court wants you to do before the Hearing takes place.

In most small claims (under £10,000.00), standard directions apply and these include:-

- a) To pay a Hearing Fee - failure to do so will result in the matter not being heard.
- b) The filing of Witness Statements by a certain date (pages 6, 11, 16 and 17 of our Small Claims Guide refer) and/or
- c) The listing of documents that you believe are relevant to the Claim (page 5 of our Small Claims Guide refer).

Both you and the Defendant will be given Directions and it is important that you comply by the Court's deadline or your evidence may not be considered by the Court.

We appreciate that assuming conduct of a Claim can be daunting and the documentation can appear overwhelming. It is important to stress that you do not have to prepare statements or a List of Documents until ordered to do so by the Court and the process is relatively straightforward if you deal with each requirement in turn. We are confident that our Small Claims Guide will answer most of your queries.

4. If you want the Court to deal with the papers without you attending

Should you decide that you wish to ask the Court to deal with the matter on the papers alone and excuse your attendance at Court:

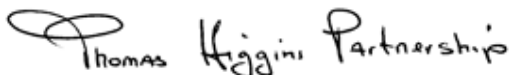
The Rules state that you must do two things:-

1. Notify the Defendant as well as the Court not less than seven days prior to the hearing that you will not be attending and that the Court is to deal with the matter on the papers alone; and
2. You must serve on the Defendant copies of any other documents which you have filed with the Court, i.e. any other documents you have lodged which were not included in your List of Documents.

Furthermore, in your letter to the Court indicating that you will not be attending and require the Court to deal with the papers in your absence, you **must also** certify that you have complied with these two requirements. You must also ensure your letter has the case number and Hearing date and time clearly highlighted.

We wish you every success with this action.

Yours faithfully



THE THOMAS HIGGINS PARTNERSHIP

EG

