

Our Ref: DEF/C/78312/193/CCL
Your Ref: S28453

CONTESTED DEFENCE/CC
LLOYDS CHAMBERS
19-21 SEAVIEW ROAD
WALLASEY
CH45 4TH
All calls may be recorded
and monitored
Tel : 0151 630 8075
Fax : 0151 630 8076
Fax :

MR CARPET LIMITED
32 RIVERSIDE ROAD
LONDON
SW17 0BA
FAO DAVID GUYAN

V.A.T. REG No: GB 243 0890 18
DX20063 WALLASEY
defence@thomashiggins.com

17/11/2016

Dear Sirs,

Re : MR CARPET LIMITED V MRS S SCHREITER
A/c: S28453
Case No. : C9AA0Q4M

We enclose a copy of the Defence and Counterclaim filed by the Defendant at the Court.

A Reply and Defence to the Counterclaim **must be filed within 14 days**. Failure to do so will result in the Defendant being entitled to enter Judgment against you on the Counterclaim. If the Judgment is unpaid then the Bailiff may be instructed and a CCJ will be registered against you/your business.

As you are aware this Firm deals with undisputed, straightforward business-to-business Debt Collection for which we have an excellent success rate. In view of the Defence and Counterclaim filed, this case no longer falls within this category.

The steps we have taken so far and what you have been charged for is the issue of the Letter Before Action and the court proceedings by the issue of a Claim Form. This has resulted in the defendant responding with a dispute. In respect of the charges you have incurred, the majority is recoverable from the defendant if you are successful in obtaining judgment.

As your Claim and the Counterclaim is below £10,000.00 it will be allocated to the Small Claims Track for hearing, if the case does not settle beforehand. The Small Claims Court is designed for litigants in person. It is uncomplicated and informal. Indeed, any costs you incur from hereon will **NOT** be recoverable even if you win!

It is for this reason that we recommend that you seriously consider taking over this case personally. To assist you in drafting your Reply and Defence to Counterclaim we will send you some useful information sheets. Also to prepare you for the hearing we will send you all the necessary information together with a Small Claim Guide.

However, if you would prefer to be legally represented, we would advise you that Lovetts Ltd Solicitors specialise in this type of litigation and would be willing to take over the conduct of the case immediately. They will find the best solution for you and consider Summary Judgment, an application to have the defence struck out or advise of the best way to achieve a settlement. Also they are fully equipped to deal with a full trial if you should need it. You may wish to telephone them to discuss this and their charges beforehand 01483 457500 and ask for either Russell Codd, Cassandra McCarthy or Michael Higgins.

Therefore, if you wish to proceed we require your instructions **BY RETURN OF POST** (as the reply and defence to counterclaim must served within 14 days). Please complete the enclosed REPLY FORM and return by fax/post. **Remember you only have 14 days** in which to file your Reply and Defence to Counterclaim, therefore time is of the essence and we urge you to give us your instructions by return.



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Please also bear in mind that we cannot simply close the file as the Counterclaim will remain 'live' and the Defendant can proceed with the Counterclaim and may well apply for Judgment against you together with their costs.

Therefore, should you choose not to proceed with your Claim it will be necessary for us to negotiate a withdrawal with the Defendant on the basis that they also agree to withdraw their Counterclaim with each party bearing their own costs. If they agree to this we will need to lodge a Consent Order with the Court for which the Court require a fee of £100.00. Please bear in mind that if the case is withdrawn in this way you will have compromised this claim, which means that you cannot pursue this debt now or in the future and you will be writing off the debt.

If you want to reserve your right to pursue the debt in the future then you will have to consider serving a Notice of Discontinuance. The consequence of this is that upon service of the Notice of Discontinuance it will automatically entitle the Defendant to claim their costs from you and it does not prevent them from pursuing their counterclaim and you will have to continue to defend it (if that is appropriate).

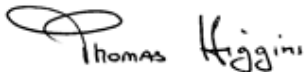
Alternatively, you may wish to attempt to settle your Claim and the Counterclaim by accepting a sum in full and final settlement of both your Claims, again this must be agreed by a Consent Order and the fee of £100.00 will apply. Time is of the essence, if you wish to negotiate the matter we would suggest that **you do so immediately** as the time for serving a reply to the Defence and Counterclaim will continue to 'run'.

Where there is a dispute we are duty bound to advise you that there are other methods of attempting to resolve the matter, rather than litigating it through the Courts. These include mediation or some other alternative dispute resolution (ADR), arbitration or other formal processes. Indeed, there may be costs sanctions where a party unreasonably refuses to go through ADR. We enclose a leaflet that explains this process in more detail.

We await your instructions by return.

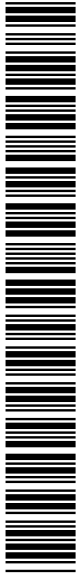
Enc Defence & Counterclaim
Reply Form
ADR leaflet

Yours faithfully



THOMAS HIGGINS LIMITED

TS



Notice of Transfer of Proceedings

17 NOV

In the County Court Business Centre	
Claim Number	C9AA0Q4M
Date	15 November 2016

MR CARPET LIMITED	1 st Claimant Ref MJCB/78312/193
MRS S SCHREITER	1 st Defendant Ref

To all parties

The defendant has filed a defence and counterclaim, therefore the claim has been transferred to the County Court Hearing Centre listed below.

TO ALL PARTIES - You are required to complete a Directions Questionnaire, as per the enclosed notice. Please note the Directions Questionnaire should be sent to the relevant local County Court Hearing Centre and not to the County Court Business Centre.

TO THE CLAIMANT - Please note, as the defendant has filed a counterclaim you are also required to file a response using the enclosed response pack. Please be aware that if you do not dispute the counterclaim the defendant may be able to obtain Judgment against you for the amount they are claiming. As you will be responding as the defendant to the counterclaim, please read and complete the response forms listing yourself as the defendant. This does not apply to the Directions Questionnaire, where you should still list yourself as the claimant. Please include the claim number on all forms sent to the court.

If you require any further information please contact the local County Court Hearing Centre directly:

County Court at Wandsworth (359)
76-78 Upper Richmond Road
Putney
London
SW15 2SU

DX 97540 Putney 2
Telephone: 020 8333 4351

The court office at the County Court Business Centre, 4th Floor St Katharine's House, 21-27 St Katharine's Street, Northampton, NN1 2LH. When corresponding with the court, please address forms or letters to the Court Manager and quote the claim number. Tel: 0300 123 1056 Fax: 0870 324 0166. Check if you can issue your claim online. It will save you time and money. Go to www.moneyclaim.gov.uk to find out more.

IN THE COUNTY COURT BUSINESS CENTRE

B E T W E E N:-

MR CARPET LIMITED

Claimant

-and-

MRS S SCHREITER

Defendant

DEFENCE

1. The claim relates to the balance due under an invoice for the supply and installation of carpet at a price of £1,600.00.
2. The Claimant contracted to supply and install carpet as requested by the Defendant.
3. It was an implied term of the contract that the installation would be carried out by the Defendants operatives using the reasonable skill and competence expected of a carpet fitter.
4. In breach of contract the installation which was carried out on or about 16th July 2016 is of such poor quality and workmanship that the Claimant failed to provide the Defendant with carpet as contracted and the carpet will have to be removed and replaced.
5. Further, the Defendant has received no benefit from the installation whatsoever.
6. By reasons of the matters set out above the Defendant denies that she is indebted to the Claimant as claimed or at all.

Counterclaim

7. For the reasons set out above the Defendant counterclaims the sum of £1,600 being the price for the supply and fitting of the carpet and seeks to set off the Counterclaim against the claim in diminution or extinction of the same.

8. This Counterclaim is in addition to the sum claimed in Claim Number C8QZ7H6D

Statement of Truth

The Defendant believes that the facts stated in this Defence are true. I am duly authorised by the Defendant to sign this Defence.

Dated this 11th day of November 2016



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