

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 the Directions Questionnaire from the Court which specifies a date which this document must be filed by you or your new solicitors.

**IMPORTANT: PLEASE NOTE THAT FAILURE TO FILE THE DIRECTIONS QUESTIONNAIRE BY THE TIME LIMIT STIPULATED IN THE ENCLOSED ORDER WILL RESULT IN YOUR CLAIM BEING AUTOMATICALLY STRUCK OUT BY THE COURT.**

This document assists the Court in deciding how the matter should be progressed and which Court the matter should be heard.

As you are aware a Defence (and/or a Counterclaim) has been filed in this matter and we have written to you under separate cover requesting your instructions regarding the future conduct of this matter.

If the case is to proceed, it is necessary for the Directions Questionnaire to be completed by you or your new solicitor by the date specified on the enclosed document as failure to do so may result in the Claim being struck out.

Where the debt is over £10,000.00 or the Court has issued a DQ for "Fast Track and Multi Track" one of the questions on the DQ is whether or not you wish to stay (hold) the proceedings for one month to enable you to attempt to negotiate a settlement.

This is an important decision because the Court actively encourages the parties to negotiate/settle at an early stage and to avoid a Trial wherever possible. There are certain pre-action protocols that should be considered.

Where the debt is under £10,000.00 the DQ requires you to indicate whether you wish to take advantage of the free mediation service which the Court offers.

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.

Therefore, if it is appropriate, and to avoid being regarded as unreasonable, you should seriously consider asking for a stay or consider mediation. If you do try to resolve the matter during a voluntary stay keep a note of your attempts to resolve the matter for production at the Trial should this be necessary.



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In the circumstances we would be grateful if you would please bear this date in mind when considering how you wish this matter to proceed. Indeed if you are considering entering into a negotiated settlement with the Defendant we would suggest that the Directions Questionnaire be completed and filed with the Court requesting a one month stay on the proceedings to allow those negotiations to take place. This of course will avoid any adverse steps being taken by the Court.

**Small Claims - Debts up to £10,000.00**

If you decide to proceed without requesting a stay on the proceedings, please note for debts under £10,000.00 a hearing fee will apply which will be requested by the Court within 14 days of issue of the Court's notice of the hearing date. The fee is calculated on a sliding scale on the debt value as shown in the attached note. If you are assuming conduct of this matter, please ensure the fee is paid to avoid any prejudice to your claim.

If you are able to resolve the matter prior to the small claims hearing date or you decide you no longer wish to pursue the matter further, a refund of the fee may be sought provided the Court receives notice at least 7 days **prior** to the hearing date. We would recommend that when you notify the Court of the settlement or discontinuance that at the same time you ask the Court to refund the fee paid.

**Fast Track and Multi Track Claims - Debts over £10,000.00**

A Hearing fee is payable within 14 days of the Court's notice of the Trial date or week being issued. As shown in the costs sheet, this fee is also recoverable on a sliding scale.

We await your instructions as soon as possible.

Yours faithfully



THOMAS HIGGINS LIMITED

TS



# Notice of Proposed Allocation to the Small Claims Track

In the County Court at  
Wandsworth

Thomas Higgins Limited (1635)  
Lloyds Chambers  
19 - 21 Seaview Road  
Wallasey  
CH45 4TH  
DX 20063 WALLASEY

147 NOV

<b>Claim Number</b>	C9AA0Q4M
<b>Claimant</b> (including ref.)	Mr Carpet Limited MJCB/78312/193
<b>Defendant</b> (including ref.)	Mrs S Schreiter
<b>Date</b>	15 November 2016

### Important Notice

If you do not comply with this notice the court will make such order as appears to be appropriate. This could include striking out the claim or entering judgment.

### TAKE NOTICE THAT

1. This is now a defended claim.

The defendant has filed a defence and a counterclaim, copies of which are enclosed.

2. It appears that this case is suitable for allocation to the small claims track.

If you believe that this track is not the appropriate track for the claim, you must complete box C1 on the Small Claims Directions Questionnaire (Form N180) and explain why.

3. You must by 2 December 2016 complete the Small Claims Directions Questionnaire (Form N180) and file it with the court office

the County Court at Wandsworth, 76/78 Upper Richmond Road, Putney, London, SW15 2SU

and serve copies on all other parties.

### NOTES FOR GUIDANCE

- (i) The Directions Questionnaire can be downloaded from [hmctsformfinder.justice.gov.uk](http://hmctsformfinder.justice.gov.uk)
- (ii) Further information on fees is available in the leaflet EX50 from [hmctsformfinder.justice.gov.uk](http://hmctsformfinder.justice.gov.uk)

The court office at the County Court at Wandsworth, 76/78 Upper Richmond Road, Putney, London, SW15 2SU. When corresponding with the court, please address forms or letters to the Court Manager and quote the claim number. Tel: 020 8333 4351 Fax: 0870 324 0230. Check if you can issue your claim online. It will save you time and money. Go to [www.moneyclaim.gov.uk](http://www.moneyclaim.gov.uk) to find out more.

# Directions questionnaire (Small Claims Track)

In the	Claim No.
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To be completed by, or on behalf of,

who is [1<sup>st</sup>][2<sup>nd</sup>][3<sup>rd</sup>][ ] [Claimant][Defendant][Part 20 claimant] in this claim

You should note the date by which this questionnaire must be returned and the name of the court it should be returned to since this may be different from the court where the proceedings were issued.

If you have settled this claim (or if you settle it on a future date) and do not need to have it heard or tried, you must let the court know immediately.

## A Settlement/Mediation

Under the Civil Procedure Rules parties should make every effort to settle their case. At this stage you should still think about whether you and the other party(ies) can settle your dispute without going to a hearing.

You may seek to settle the claim either by direct discussion or negotiation with the other party or by mediation. If settlement is reached parties may enter into a binding agreement which can be enforced if the terms of the agreement were to be breached.

Mediation is a way of resolving disputes without a court hearing, where the parties are assisted in resolving their dispute with the help of an impartial mediator. If the claim is settled at this stage the parties can avoid further court fees, costs and time involved in preparing and attending a hearing.

You may use any mediation provider. However, HMCTS provide a **free confidential** Small Claims Mediation Service which is available to parties in most small claims cases which are for less than £10,000.

Mediation is usually carried out by telephone in one hour time limited appointments convenient to the parties and is quicker than waiting for a court hearing before a judge. There is no obligation to use the Small Claims Mediation Service nor are you required to settle if you do. If you are unable to reach agreement with the other party at mediation, the claim will proceed to a small claims hearing.

You can get more information about mediation from [www.gov.uk](http://www.gov.uk)

If all parties agree, this case will be referred to the Small Claims Mediation Service. In any event the court may order the service to contact you to explore mediation.

A1 Do you agree to this case being referred to the Small Claims Mediation Service?  Yes  No

Please give your contact details below – If all parties agree to mediation your details will be passed to the small claims mediation team who will contact you to arrange an appointment.

**You must complete the remainder of the form regardless of your answer to A1**

## B Your contact details

Notes

Your full name

Address for Service

Telephone number

Mobile

Email

It is essential that you provide this information, particularly if you have requested mediation. Staff will contact you within office hours (9am - 5pm).





### C Track

### Notes

**C1** Do you agree that the small claims track is the appropriate track for this case?  Yes  No

If No, say why not and state the track to which you believe it should be allocated

#### Track

The small claims track – generally for lower value and less complex claims with a value under £10,000. You can get more information by reading leaflet EX306 ‘The small claims track in civil courts’. You can get this leaflet online from [hmctsformfinder.justice.gov.uk](http://hmctsformfinder.justice.gov.uk)

### D About the hearing

#### Hearing venue

**D1** At which County Court hearing centre would you prefer the small claims hearing to take place and why?

#### Expert evidence

**D2** Are you asking for the court’s permission to use the written evidence of an expert?  Yes  No

If Yes, state why and give the name of the expert (if known) and the area of expertise and the likely cost if appointed.

#### Location

If your claim is a designated money claim the case will usually be transferred to the claimants preferred court or the defendants home court as appropriate. However, there is no guarantee of transfer to this court. For further information see CPR Parts 3, 12, 13, 14 and 26.

#### Expert evidence

The court must grant you permission to use an expert witness. Your notice of allocation will tell you if permission has been granted. Please note the upper limit for experts’ fees that can be recovered is £750. You can get more information by reading leaflet EX306 ‘The small claims track in civil courts’. You can get this leaflet online from [hmctsformfinder.justice.gov.uk](http://hmctsformfinder.justice.gov.uk)

#### Witnesses

Witnesses may be asked to give evidence by either party. The court needs to have notice that you intend to call a witness. Witness expenses for travel accommodation and loss of earning should be met by the party requesting their attendance. You can get more information by reading EX342 ‘Coming to a court hearing’. You can get this leaflet online from [hmctformfinder.justice.gov.uk](http://hmctformfinder.justice.gov.uk)

#### Witnesses

**D3** How many witnesses, including yourself, will give evidence on your behalf at the hearing?

#### Hearing

**D4** Are there any days within the next six months when you, an expert or a witness will not be able to attend court for the hearing?  Yes  No

#### Hearing

**Dates to avoid:** You should enter those dates where you, your expert or an essential witness will not be able to attend court because of a holiday or other commitments.

If Yes, please give details

	Dates <b>not</b> available
Yourself	
Expert	
Other essential witness	

**Interpreters:** In some circumstances the court will arrange for, and meet the cost of an interpreter. If you require an interpreter, you should contact the court immediately. Further details visit our website [www.justice.gov.uk](http://www.justice.gov.uk) under ‘guidance’.

Will you be using an interpreter at the hearing either for yourself or for a witness?  Yes  No

If Yes, please specify the type of interpreter



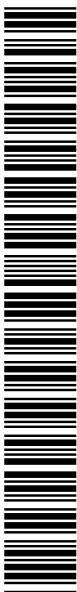
**Signature**

**You must sign this form**

[Legal representative for the ][1<sup>st</sup>][2<sup>nd</sup>][3<sup>rd</sup>][  
[Claimant][Defendant][Part 20 claimant]

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**Once you have completed this form please return it to the court at the address shown on  
the form N149A, notice of proposed allocation to Small Claims Track**



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# Defence and Counterclaim (specified amount)

- Fill in this form if you wish to dispute all or part of the claim and/or make a claim against the claimant (counterclaim).
- You have a limited number of days to complete and return this form to the court.
- Before completing this form, please read the notes for guidance attached to the claim form.
- Please ensure that all boxes at the top right of this form are completed. You can obtain the correct names and number from the claim form. The court cannot trace your case without this information.

### How to fill in this form

- Complete sections 1 and 2. Tick the correct boxes and give the other details asked for.
- Set out your defence in section 3. If necessary continue on a separate piece of paper making sure that the claim number is clearly shown on it. In your defence you must state which allegations in the particulars of claim you deny and your reasons for doing so. **If you fail to deny an allegation it may be taken that you admit it.**

Name of court

Claim No.

Claimant  
(including ref.)

Defendant

- If you dispute only some of the allegations you must
  - specify which you admit and which you deny; and
  - give your own version of events if different from the claimant's.
- If you wish to make a claim against the claimant (a counterclaim) complete section 4.
- Complete and sign section 5 before sending this form to the court. Keep a copy of the claim form and this form.

### 1. How much of the claim do you dispute?

I dispute the full amount claimed as shown on the claim form.

or

I admit the amount of £

If you dispute only part of the claim you must **either**:

- pay the amount admitted to the person named at the address for payment on the claim form (see How to Pay in the notes on the back of, or attached to, the claim form). Then send this defence to the court

or

- complete the admission form **and** this defence form and send them to the court.

I paid the amount admitted on

or

I enclose the completed form of admission (go to section 2)

### 2. Do you dispute this claim because you have already paid it? Tick whichever applies

No (go to section 3)

Yes I paid £  to the claimant

on / /

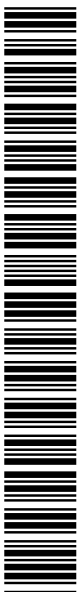
(before the claim form was issued)

Give details of where and how you paid it in the box below (then go to section 5)

### 3. Defence (If you need to continue on a separate sheet put the claim number in the top right hand corner.)

(continue over the page)





Claim No.

**Defence (continued)**

**4. If you wish to make a claim against the claimant (a counterclaim)**

- To start your counterclaim, you will have to pay a fee. Court staff can tell you how much you have to pay.
- You may not be able to make a counterclaim where the claimant is the Crown (e.g. a Government Department). Ask at your local county court office for further information.

If your claim is for a specific sum of money, how much are you claiming? £

I enclose the counterclaim fee of £

My claim is for *(please specify nature of claim)*

What are your reasons for making the counterclaim?  
If you need to continue on a separate sheet put the claim number in the top right hand corner.

**5. Signed - To be signed by you or by your solicitor or litigation friend.**

*(I believe) (The defendant believes) that the facts stated in this form are true. *I am duly authorised by the defendant to sign this statement.	<b>Position or office held</b> (If signing on behalf of firm or company)

*\*delete as appropriate*

Date / /

Defendant's date of birth, if an individual / /

Give an address to which notices about this case can be sent to you

<input type="text"/>	If applicable	
	Telephone no.	<input type="text"/>
	Fax no.	<input type="text"/>
	DX no.	<input type="text"/>

Postcode

E-mail





HM Courts &  
Tribunals Service

EX730

## Would you like to settle your case without going to a court hearing?

HM Courts & Tribunals Service provides a free and confidential telephone mediation service for parties (people) involved in current defended small claims cases.

If you have an on-going small claims case in court, this service could give you the opportunity to resolve your dispute without having to attend a court hearing, saving time and money.

The Small Claims Mediation Service offers, before any court hearings, one hour mediation appointments with trained HM Courts & Tribunal Service mediators.

### What is mediation?

In mediation, each side to a dispute has a chance to summarise the main points of their case and to think about what the other side has to say. A mediator helps you to consider the best solution to the dispute and whether you can both reach agreement about how the dispute could be settled.

The mediator is neutral and will not make any judgment on the rights or wrongs of the case. The role of the mediator is to help you and the other party negotiate an agreement.

Mediation is a voluntary process so all the parties involved need to want to use the service.

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## What are the benefits of mediation?

- There is no cost to use the service.
- Mediation is quicker and less expensive than attending a court hearing.
- The process is less formal than a court hearing with a judge.
- All discussions are confidential and without prejudice.
- Appointments are arranged at a time to suit all the parties.
- Parties are in control of the outcome, rather than having a decision imposed upon them by a judge at a hearing.
- Settling a dispute through mediation avoids the build up and risk of costs that will have to be paid if a case goes to a hearing.
- If you agree to settle your dispute at mediation a formal agreement will be sent to you by the mediator. You or the other party can apply to the court to enforce this if it is breached (not acted on). The mediator will explain this process to you in more detail at the mediation.

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## What are the requirements to use the Small Claims Mediation Service?

- Anyone participating in a mediation appointment has full authority to negotiate a settlement.
- The parties need to agree to go to mediation in good faith with the aim of achieving a settlement.
- For mediation to be successful there needs to be some flexibility from all parties and a willingness to listen and consider each other's positions.
- The parties or their representatives should be familiar with the details of the dispute and be able to answer any queries raised.

## What if mediation fails?

The Small Claims Mediation Service has proved highly successful with an excellent customer satisfaction rate. However, if parties don't reach a settlement the case will go to a hearing.

All negotiations made at mediation will remain confidential and cannot be disclosed to a judge at a hearing.

If the matter goes to a court hearing, the claimant will have to pay a hearing fee (or the defendant if the matter proceeds on a counter-claim only).

**You are reminded that you must continue to comply with all court directions while you consider or take part in the mediation process.**

## I wish to use the Small Claims Mediation Service – what should I do next?

If the court has asked you to complete a Directions Questionnaire (N180) you should tick Yes to question 'A1' and complete section B.

If you have received a judicial order recommending that your case is suitable for mediation you should contact the Small Claims Mediation Service as soon as possible to register your interest in going to mediation. Mediation will only take place if both parties contact the Small Claims Mediation Service to confirm that they want an appointment, so it is important that you contact us as soon as possible using the contact details given on the judicial order.

You may also visit [www.gov.uk](http://www.gov.uk) for further information, or you can contact the HM Courts & Tribunals Service Small Claims Mediation Service by phone at 01604 795 511 or by email at [scmenquiries@hmcts.gsi.gov.uk](mailto:scmenquiries@hmcts.gsi.gov.uk)

Directions questionnaire (Small Claims Track)		Name of court	Claim No.
To be completed by, or on behalf of:		<small>You should note the date by which this questionnaire must be returned and the return of this court it should be returned to place this may be different from the court where the proceedings were started.</small>	
Who is (1) "I" (2) "D" (3) "C" (4) "P" (5) "R" (6) "S" (7) "O" (8) "A" (9) "D" (10) "C" (11) "P" (12) "R" (13) "O" (14) "S" (15) "A" (16) "D" (17) "C" (18) "P" (19) "R" (20) "O" (21) "S" (22) "A" (23) "D" (24) "C" (25) "P" (26) "R" (27) "O" (28) "S" (29) "A" (30) "D" (31) "C" (32) "P" (33) "R" (34) "O" (35) "S" (36) "A" (37) "D" (38) "C" (39) "P" (40) "R" (41) "O" (42) "S" (43) "A" (44) "D" (45) "C" (46) "P" (47) "R" (48) "O" (49) "S" (50) "A" (51) "D" (52) "C" (53) "P" (54) "R" (55) "O" (56) "S" (57) "A" (58) "D" (59) "C" (60) "P" (61) "R" (62) "O" (63) "S" (64) "A" (65) "D" (66) "C" (67) "P" (68) "R" (69) "O" (70) "S" (71) "A" (72) "D" (73) "C" (74) "P" (75) "R" (76) "O" (77) "S" (78) "A" (79) "D" (80) "C" (81) "P" (82) "R" (83) "O" (84) "S" (85) "A" (86) "D" (87) "C" (88) "P" (89) "R" (90) "O" (91) "S" (92) "A" (93) "D" (94) "C" (95) "P" (96) "R" (97) "O" (98) "S" (99) "A" (100) "D" (101) "C" (102) "P" (103) "R" (104) "O" (105) "S" (106) "A" (107) "D" (108) "C" (109) "P" (110) "R" 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HM Courts &  
Tribunals Service

## Would you like to settle your case without going to a court hearing?

HM Courts & Tribunals Service (HMCTS) provides a free and confidential telephone mediation service for parties (people) involved in defended small claims.

If you have an on-going small claim in court, this service could give you the opportunity to resolve your dispute without having to attend a court hearing, saving time and money.

The Small Claims Mediation Service offers, before any court hearings, one hour mediation appointments with trained HMCTS mediators. The mediator will not act as a judge or arbitrator, but will assist you as a neutral third party to see whether or not a settlement agreement may be reached.

### Please consider the following statements:

	Yes	No
I can confirm that I am willing to compromise on this matter. (Please do not use this service if you are not prepared to move from your current position).		
I can confirm that there has been no police involvement in this matter at any time.		
I can confirm that I have enough information about the claim, to allow me to enter into negotiations.		

Mediation is a voluntary option and is only available if you can answer **YES** to all of the above statements. If you have answered **NO** to any of the statements, mediation is not suitable for your case. **There is no negative impact to your case if mediation is not suitable or you decide not to mediate.**

### What are the benefits of mediation?

- Mediation is free and quicker than attending a court hearing.
- Mediation is done via telephone, there is no need to attend a court. You will only speak to the mediator, not the other party.
- The process is less formal than a court hearing with a Judge. Parties are in control of the outcome, rather than having a decision imposed upon them by a Judge at a hearing.
- All discussions are confidential and without prejudice.
- If you agree to settle your dispute at mediation a formal agreement will be sent to you by the mediator. You or the other party can apply to the court to enforce this if it is breached (not acted on).

If you do wish to mediate, it is vital that you add a **direct telephone number & email address** (if applicable) to your Directions Questionnaire (N180). If you are mediating on behalf of a company, please also provide your **name and position**.

### What happens next?

If all parties request Mediation on their Directions Questionnaire (N180) you will be **emailed** an appointment date & time (this will be sent by post if you do not have an email address). Appointments are one hour long and will take place between 8am and 5pm on Monday to Friday. Appointments are limited and can therefore only be rearranged in exceptional circumstances.

If you would like more information on mediation, please call 01604 795511 or email [scmreferrals@hmcts.gsi.gov.uk](mailto:scmreferrals@hmcts.gsi.gov.uk).



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