

IN THE COUNTY COURT AT **xxxx**

CLAIM No: **xxxx**

BETWEEN:

PARKING CONTROL MANAGEMENT (UK) LIMITED (Claimant)

-and-

MR. **xxxx** (Defendant)

I am **xxxx** and I am the Defendant in this matter. I would like to inform the court that Claimant did not comply with **the Notice of Allocation to the Small Claim (Hearing) N157** order dated **xxxx Clause 6** by not serving to Defendant his Witness Statement or the documents he intends to rely at the hearing on time and up to write that letter, **dead line date was xxxx.**

Claimant never served any supporting documents for his alleged charge although Defendant asked for that since **xxxx** which that prevented Defendant to prepare proper Statement of Defence, Witness Statement or Skeleton Argument.

Defendant has previously two legal cases with the same Claimant which Claimant never served his Witness Statement to Defendant as well and one of that cases Claimant failed to pay court trial fees. Claimant also never complied with the new Pre-Action Protocol for Debt Claims, Civil Procedure Rule (CPR), Practice Direction (PD) or Schedule 4 of Protection of Freedom Act 2012 (POFA 2012) in bringing that claim as explained in Defendant Statement of Defence and Witness Statement which already served to court and to Claimant.

Claimant and his solicitor Gladstones are infamous for that behave across the country:

- Defendant previous legal case with the same Claimant was struck out and the court ordered Claimant to pay Defendant costs as Claimant did not pay the court trial fees or submit his Witness Statement to the court or to the Defendant, Court case no. **xxxx** at **Romford** County Court, (court orders attached).
- Case number **xxxx** at **Sunderland** County Court, Mr **xxxx** vs the same Claimant was struck out as Claimant did not serve his Witness Statement to Defendant. (Court order attached)

Defendant believes that the conduct of Claimant in continually pursuing claims against Defendant is wholly unreasonable and vexatious and Claimant, as industrial body, intention for taking that Claim that far is to waste Defendant time and efforts which that costing Defendant around 20 times more than the alleged claim itself.

However Claimant has nevertheless chosen to pursue the claim this far, forcing me to spend several weeks defending this baseless claim including: incurring postage, stationery and so on. I have had to spend weeks researching the law and file a full defence statement, file direction questioners and drafting a witness statement, and gathering documentary evidence.

As a litigant in person, this has caused me significant distress and inconvenience. In comparison, all what the claimant has done is to draft and serve a robo-type claim so brief as to be almost incoherent, and to complete a Directions Questionnaire.

**On the above basis Defendant politely ask the court for:**

- 1- Strick out that case under CPR 3.4.
- 2- An Injunction order to prevent Claimant to sue Defendant in future.
- 3- Order Claimant to pay Defendant costs (Schedule of costs attached) under:
  - CPR Rule 27.14(2)(g): costs can be awarded where a party behaves unreasonably.
  - Paragraph 16 of Practice Direction – Pre-Action Conduct: a party who has not complied with its pre-action obligations can be ordered to pay costs (even if the party has succeeded in its claim/defence) and there is also a power to remit / increase interest.

As both apply so Defendant seeks a costs order against the claimant.

Yours faithfully,

Name:

Date:

Address:

## Defendant's Schedule of Cost

### Time spent on documents

#### **Reading:** (Several times throughout last year)

1. Statement of Claim Form: 30 minutes.	0.5 hour
2. Claimant Directions Questionnaire: 30 minutes .	0.5 hour
3. Court order (allocation and timetable): 30 minutes .	0.5 hour
4. IPC Code of Practice:	3 hours
5. BPA Code of Practice:	3 hours
6. Plot no. xxxx on the xxxx Development Land Registry no. xxxx.	3 hours
7. 2 letters from the Claimant: 30 minutes each	1 hour
8. 2 letters from Claimant's solicitors, Gladstone solicitors,,: 30 minutes .	1 hour
9. 2 letters from Claimant's debit recovery agent, TRACE,,: 30 minutes.	1 hour
10. Schedule 4 of Protection of Freedom Act 2012:	3 hours
11. Contract - with particular reference to unfair contract terms:	3 hrs
12. Tort – In relation to trespass:	3hours
13. Occupiers Liability – both in statute and tort:	3 hours
14. Data Protection:	3hours
15. Consumer Protection and Disability Discrimination:	3 hours
16. Civil Procedure Rules Part 27:	3 hours
17. Practice Direction 27:	3 hours
18. Civil Procedure Rules Part 31:	3 hours
19. Court cases transcript:	
a. ParkingEye Limited v Beavis [2015] UKSC 67. hours	2
b. PCM V Bull & 2 other [2016] B4GF26K6.	1 hour
c. Jopson v Homeguard [2016] 9GF0A9E.	1 hour
d. Link Parking v Ms P C7GF50J7 [2016].	1 hour
e. Pace v Mr N [2016] C6GF14F0 [2016]. hour	1
f. Saeed v Plustrade Ltd [2001] EWCA Civ 2011. hour	1
g. UKPC v Masterson [2016] B6QZ4H3R	1 hour
<b>Total:</b>	<b>48.5 hours</b>

#### **Writing and Drafting:**

1. Acknowledgment of Service Form: 30 minutes.	0.5 hour
2. Statement of Defence:	18 hours
3. Directions Questionnaire: 30 minutes.	0.5 hour
4. Witness Statement.	9 hours
5. That letter and Costs application.	4 hours
6. Other work done on documents like Printing, Scanning & organising:	4 hours
<b>Total:</b>	<b>36 hours</b>

## Correspondence

- |  |         |
|--|---------|
| 1. 1 letters to Claimant:              | 1 hours |
| 2. 3 letters to Claimant's solicitors: | 4 hours |

**Total: 5 hours**

## Other

- |   |          |
|---|----------|
| 1. 2 calls to court 2x15 minutes.   | 0.5 hour |
| 2. Time spent to post letters to Claimant's Solicitor, Gladstones Solicitor,. | 0.5 hour |
| 3. Time spent to post Statement of defence and Witness Statement.             | 1 hour   |

**Total: 2 hours**

Total hours costs, from the above: **91.5 hours at £19 per hour = £ 1738.5**

Stationary for Printing of letters, statement of defence and Witness Statement. Estimate = **£100.**

Postage estimated = **£15**

**Total costs= £1853.5**

Yours faithfully,

Name:

Date:

Address: