

# General Form of Judgment or Order

In the County Court at  
Cardiff

Claim Number	7CF07345
Date	12 August 2016



MR MAURICE KIRK	1 <sup>st</sup> Claimant Ref
SOUTH WALES POLICE	1 <sup>st</sup> Defendant Ref APO.MS.SOU-5-65

Before His Honour Judge A. Seys Llewellyn QC sitting at Cardiff Civil Justice Centre on 8th August 2016,  
And upon hearing the Claimant in person and Leading Counsel for the Defendant,  
And upon the Claimant having failed to comply with paragraph 1 of the order of 8.6.2016 (namely that Order that Mr Kirk shall by 29 June 2016 set out in writing full particulars of his claim that there was a 'mutual agreement' between the parties and it having been provided in that order that if he failed to do so, he should be debarred from asserting that there was a 'mutual agreement' as alleged in his Particulars of Claim

i. It is recorded that:-he is debarred from relying upon any argument that there was 'a mutual agreement' between the parties on the issue of limitation, pursuant to paragraph 2 of that order.

ii. The Court will serve upon the Claimant, as well as Mr David Leathley of Counsel, and the Defendant, a copy of its judgment of 30.11.2010 given in Actions 1 – 3 (case nos. BS614159-MC65; CF101741; CF204141).

It is ordered:-

1. By 4pm on 26.8.2016, the Claimant must file at Court and serve upon the Defendant the final version of the particulars of claim upon which he will seek to rely in this Action, verified by a statement of truth in accordance with the Civil Procedure Rules, together with any evidence in support of his application for permission to amend his particulars of claim.

2. In default of compliance with paragraph 1 of this order, the Claimant will be deemed to be relying upon the existing Particulars of Claim as filed in 2007.

3. If the Claimant has already paid an application fee in respect of his proposed amendments to the particulars of claim, then that fee is to be taken to have been paid in respect of a deemed application for permission to amend the particulars of claim, as directed at paragraph 1 above.

4. The Defendant shall by 4pm on 23.9.2016 issue any application to strike out some or all of the amended particulars of claim, to be dealt with by way of a preliminary issue hearing. Such application including but not limited to: limitation, duplication, want of cause of action, collateral attack on existing convictions, findings and/or judgments, and/or want of particularity. The application should be filed together with any supporting skeleton arguments and authorities and also served upon the Claimant and Mr Leathley.

5. The Claimant, if so advised, must reply to any application issued by the Defendant under paragraph 3 in writing, together with any supporting skeleton argument and authorities, by 4pm on 21.10.2016.

Mr Maurice Kirk

..

..

6. The Defendant may file and serve upon the Claimant and Mr Leathley a reply in writing by 4pm on 28.10.2016.
7. This Action shall be listed for determination of the above applications by way of a preliminary issue hearing on the first open date after 1.11.2016, before His Honour Judge A. Seys-Llewelyn QC, with a time estimate of 2 days.
8. Costs in the case.

Dated 8 August 2016



# General Form of Judgment or Order

In the County Court at  
Cardiff

Claim Number	7CF07345
Date	12 August 2016



MR MAURICE KIRK	1 <sup>st</sup> Claimant Ref
SOUTH WALES POLICE	1 <sup>st</sup> Defendant Ref APO.MS.SOU-5-65

Before His Honour Judge A. Seys Llewellyn QC sitting at Cardiff Civil Justice Centre on 8th August 2016,  
And upon hearing the Claimant in person and Leading Counsel for the Defendant,  
And upon the Claimant having failed to comply with paragraph 1 of the order of 8.6.2016 (namely that Order that Mr Kirk shall by 29 June 2016 set out in writing full particulars of his claim that there was a 'mutual agreement' between the parties and it having been provided in that order that if he failed to do so, he should be debarred from asserting that there was a 'mutual agreement' as alleged in his Particulars of Claim

i. It is recorded that:-he is debarred from relying upon any argument that there was 'a mutual agreement' between the parties on the issue of limitation, pursuant to paragraph 2 of that order.

ii. The Court will serve upon the Claimant, as well as Mr David Leathley of Counsel, and the Defendant, a copy of its judgment of 30.11.2010 given in Actions 1 – 3 (case nos. BS614159-MC65; CF101741; CF204141).

It is ordered:-

1. By 4pm on 26.8.2016, the Claimant must file at Court and serve upon the Defendant the final version of the particulars of claim upon which he will seek to rely in this Action, verified by a statement of truth in accordance with the Civil Procedure Rules, together with any evidence in support of his application for permission to amend his particulars of claim.

2. In default of compliance with paragraph 1 of this order, the Claimant will be deemed to be relying upon the existing Particulars of Claim as filed in 2007.

3. If the Claimant has already paid an application fee in respect of his proposed amendments to the particulars of claim, then that fee is to be taken to have been paid in respect of a deemed application for permission to amend the particulars of claim, as directed at paragraph 1 above.

4. The Defendant shall by 4pm on 23.9.2016 issue any application to strike out some or all of the amended particulars of claim, to be dealt with by way of a preliminary issue hearing. Such application including but not limited to: limitation, duplication, want of cause of action, collateral attack on existing convictions, findings and/or judgments, and/or want of particularity. The application should be filed together with any supporting skeleton arguments and authorities and also served upon the Claimant and Mr Leathley.

5. The Claimant, if so advised, must reply to any application issued by the Defendant under paragraph 3 in writing, together with any supporting skeleton argument and authorities, by 4pm on 21.10.2016.

Dolmans Solicitors  
One Kingsway  
Cardiff  
CF10 3DS  
122723 CARDIFF 12

6. The Defendant may file and serve upon the Claimant and Mr Leathley a reply in writing by 4pm on 28.10.2016.
7. This Action shall be listed for determination of the above applications by way of a preliminary issue hearing on the first open date after 1.11.2016, before His Honour Judge A. Seys-Llewelyn QC, with a time estimate of 2 days.
8. Costs in the case.

Dated 8 August 2016

