

In The High Court Of Justice
DX 99500
Cardiff 1

OUR REF: APO.SWP001-511

YOUR REF: C90CF012

DATE: 27th May 2016

EMAIL: adriano@dolmans.co.uk

BY EMAIL: enquiries@cardiff.countycourt.gsi.gov.uk

Dear Sirs

Mr Kirk v Secretary of State for Justice (1), Parole Board (2) and Chief Constable of South Wales Police (3)

We refer to the above matter in which we represent the third Defendant.

We enclose herewith:

1. Defence on behalf of the third Defendant.
2. Directions Questionnaire on behalf of the third Defendant.
3. Proposed Directions.

We maintain the third Defendant's position that whilst South Wales Police have received a Claim Form, which identified that the Particulars of Claim were to follow on 29 March 2016; no Particulars of Claim have been served. However, the Defence is now filed and served on behalf of the third Defendant to protect his position.

The Court will note from the scarcity of information provided by the Claimant in the Claim Form, we have been able to only provide a limited amount of information in the Defence and within the Directions Questionnaire. We have been unable to complete a Costs Budget in this case.

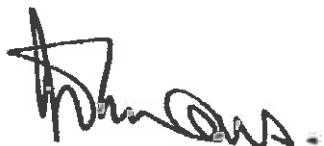
The Court will note from the proposed directions, that we respectfully invite the Court to list this matter for a case management conference before His Honour Judge Seys Llewellyn QC. The Court will observe from the Defence that His Honour Judge Seys Llewellyn QC is dealing with the following cases which Mr Kirk has already commenced against South Wales Police:

BS614159

CF101741
CF204141
7CF0734S
ICF03361

We can confirm that a copy of this correspondence and enclosures have been sent to the Claimant and the other Defendants.

Yours faithfully



DOLMANS

IN THE CARDIFF DISTRICT REGISTRY

BETWEEN:

MAURICE JOHN KIRK

Claimant

AND

SECRETARY OF STATE FOR JUSTICE

First Defendant

AND

PAROLE BOARD OF ENGLAND AND WALES

Second Defendant

AND

CHIEF CONSTABLE OF SOUTH WALES POLICE

Third Defendant

DEFENCE OF THE THIRD DEFENDANT

1. The Third Defendant does not plead to paragraph 1 of the Claim Form.
2. As to paragraph 2 of the Claim Form, the Third Defendant pleads as follows:
 - (i) On page 2 of the Claim Form, the Claimant has endorsed "Particulars of Claim (to follow)," no such Particulars of Claim has been served on the Third Defendant.
 - (ii) The Third Defendant has notified the Claimant that he has failed to provide a Particulars of Claim and/or has otherwise failed to provide any particulars which would enable the Third Defendant to understand precisely the nature of the claims advanced against the Third Defendant and/or the Grounds relied upon in support of such claims.

3. By reason of the foregoing, the Third Defendant is embarrassed and unable to fully plead to the Claim Form.
4. Without prejudice to the foregoing, the Third Defendant further pleads as follows:
 - (i) No admissions are made as to whether the Third Defendant supplied any information or reports to the First Defendant and/or the Second Defendant regarding the Claimant's recall on licence, whether between the dates pleaded or otherwise.
 - (ii) If the Third Defendant did supply any information or reports to the First Defendant and/or the Second Defendant, regarding the Claimant's recall on licence, then the same would have been supplied in good faith and for the proper administration of justice.
5. In the premises, the Claimant's claim against the Third Defendant is denied.
6. The Third Defendant reserves to himself the right to amend his Defence if the Claimant serves a Particulars of Claim or otherwise supplies appropriate particulars of his claim against the Third Defendant. If the Third Defendant has to amend his Defence, then he will seek the costs of such amendment from the Claimant.
7. The Claimant is presently pursing a number of claims against the Third Defendant, including, Claims BS614519-MC65, CF101741, CF204141, 7CF07345 and 1CF03361, all of which are being dealt with by His Honour Judge Seys-Llewellyn, Q.C. The Third Defendant contends that this claim should similarly be transferred to the Learned Judge for Case Management.

Lloyd Williams, Q.C.

DATED the 27th day of May 2016

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 statement.

Full name: Mr Adrian Paul Oliver

Name of Defendant's solicitor's firm: Dolmans, One Kingsway, Cardiff, CF10 3DS

Signed *A. Paul Oliver Dolmans*..... Position or office held: Partner

Defendant's solicitor

Dated this 27 May 2016

Solicitor for the Defendant

Claim No: C90CF012

**IN THE CARDIFF DISTRICT
REGISTRY**

BETWEEN:

MAURICE JOHN KIRK

Claimant

AND

**SECRETARY OF STATE FOR
JUSTICE**

First Defendant

AND

**PAROLE BOARD OF ENGLAND AND
WALES**

Second Defendant

AND

**THE CHIEF CONSTABLE OF THE
SOUTH WALES CONSTABULARY**

Third Defendant

**DEFENCE OF THE THIRD
DEFENDANT**

**Messrs. Dolmans
1 Kingsway**

Cardiff

CF10 3DS

DX: 122723 Cardiff 12

Solicitors for the Defendant

Sol Ref: APO.SWP1-511

Our Ref: 556202

Directions questionnaire (Fast track and Multi-track)

In the
Cardiff District Registry

Claim No.
C90CF012

To be completed by, or on behalf of,

Chief Constable of South Wales Police

who is [1st][2nd][3rd][][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.

If the claim is not settled, a judge will allocate it to an appropriate case management track. To help the judge choose the most just and cost-effective track, you must now complete the directions questionnaire.

You should write the claim number on any other documents you send with your directions questionnaire. Please ensure they are firmly attached to it.

A Settlement

Notes

Under the Civil Procedure Rules parties should make every effort to settle their case before the hearing. This could be by discussion or negotiation (such as a roundtable meeting or settlement conference) or by a more formal process such as mediation. The court will want to know what steps have been taken. Settling the case early can save costs, including court hearing fees.

For legal representatives only

I confirm that I have explained to my client the need to try to settle; the options available; and the possibility of costs sanctions if they refuse to try to settle.

I confirm

For all

Your answers to these questions may be considered by the court when it deals with the questions of costs: see Civil Procedure Rules Part 44.

The court may order a stay, whether or not all the other parties to the claim agree. Even if you are requesting a stay, you must still complete the rest of the questionnaire.

More information about mediation, the fees charged and a directory of mediation providers is available online from www.civilmediation.justice.gov.uk This service provides members of the public and businesses with contact details for national civil and commercial mediation providers, all of whom are accredited by the Civil Mediation Council.

Reasons:

Limited information has been provided in respect of this claim. The Claimant has already issued a number of proceedings against the third Defendant which are on-going.

B Court

B1. (High Court only)

The claim has been issued in the High Court. Do you consider it should remain there?

Yes No

If Yes, in which Division/List?

If No, in which County Court hearing centre would you prefer the case to be heard?

Cardiff County Court

B2. Trial (all cases)

Is there any reason why your claim needs to be heard at a court or hearing centre?

Yes No

If Yes, say which court and why?

Cardiff. His Honour Judge Seys Llewellyn QC is already dealing with the other on-going claims.

Notes

High Court cases are usually heard at the Royal Courts of Justice or certain Civil Trial Centres. Fast or multi-track trials may be dealt with at a Civil Trial Centre or at the court where the claim is proceeding.

C Pre-action protocols

You are expected to comply fully with the relevant pre-action protocol.

Have you done so?

Yes No

If you have not complied, or have only partially complied, please explain why.

There was no previous notification of this claim.

Before any claim is started, the court expects you to have complied with the relevant pre-action protocol, and to have exchanged information and documents relevant to the claim to assist in settling it. To find out which protocol is relevant to your claim see: www.justice.gov.uk/guidance/courts-and-tribunals/courts/procedure-rules/civil/menus/protocol.htm

D Case management information

D1. Applications

Have you made any application(s) in this claim?

Yes No

If Yes, what for? (e.g. summary judgment, add another party).

n/a

D1. Applications

It is important for the court to know if you have already made any applications in the claim (or are about to issue one), what they are for and when they will be heard. The outcome of the applications may affect the case management directions the court gives.

For hearing on / / / /

D2. Track

If you have indicated in the proposed directions a track attached which would not be the normal track for the claim, please give brief reasons below for your choice.

Multi-Track

D2. Track

The basic guide by which claims are normally allocated to a track is the amount in dispute, although other factors such as the complexity of the case will also be considered. Leaflet **EX305 – The Fast Track and the Multi-track**, explains this in greater detail.

D Case management information (continued)

Notes

D3. Disclosure of electronic documents (multi-track cases only)

If you are proposing that the claim be allocated to the multi-track:

1. Have you reached agreement, either using the Electronic Documents Questionnaire in Practice Direction 31B or otherwise, about the scope and extent of disclosure of electronic documents on each side? Yes No
2. If No, is such agreement likely? Yes No
3. If there is no agreement and no agreement is likely, what are the issues about disclosure of electronic documents which the court needs to address, and should they be dealt with at the Case Management Conference or at a separate hearing?

Directions for disclosure should be considered at a Case Management Conference

D4. Disclosure of non-electronic documents (all cases)

What directions are proposed for disclosure?

It is proposed that standard disclosure should be ordered by the Court once the Court has given consideration to all required directions at a Case Management Conference.

For all multi-track cases, except personal injury.

Have you filed and served a disclosure report (Form N263) (see Civil Procedure Rules Part 31). Yes No

Have you agreed a proposal in relation to disclosure that meets the overriding objective? Yes No

If Yes, please ensure this is contained within the proposed directions attached and specify the draft order number.

E Experts

Do you wish to use expert evidence at the trial or final hearing? Yes No

Have you already copied any experts' report(s) to the other party(ies)? None yet obtained Yes No

Do you consider the case suitable for a single joint expert in any field? Yes No

There is no presumption that expert evidence is necessary, or that each party will be entitled to their own expert(s). Therefore, the court requires a short explanation of your proposals with regard to expert evidence.

E Experts (continued)

Notes

Please list any single joint experts you propose to use and any other experts you wish to rely on. Identify single joint experts with the initials 'SJ' after their name(s). Please provide justification of your proposal and an estimate of costs.

Expert's name	Field of expertise (e.g orthopaedic surgeon, surveyor, engineer)	Justification for expert and estimate of costs
n/a		

F Witnesses

Which witnesses of fact do you intend to call at the trial or final hearing including, if appropriate, yourself?

Witness name	Witness to which facts
We have been unable to identify witnesses at this stage due to the lack of particularity of the allegations made by the Claimant against the third Defendant.	

G Trial or Final Hearing

How long do you estimate the trial or final hearing will take?

less than one day

one day

more than one day

Hrs

State number of days

Give the best estimate you can of the time that the court will need to decide this case. If, later you have any reason to shorten or lengthen this estimate you should let the court know immediately.

Are there any days within the next 12 months when you, an expert or an essential witness will not be able to attend court for trial or final hearing?

You should only enter those dates when you, your expert(s) or essential witnesses will not be available to attend court because of holiday or other commitments.

If Yes, please give details

Name	Dates not available
Not possible to provide at this time.	

You should notify the court immediately if any of these dates change.

Do not complete this section if:

- 1) you do not have a legal representative acting for you
- 2) the case is subject to fixed costs

If your claim is likely to be allocated to the Multi-Track form Precedent H must be filed at in accordance with CPR 3.13.

I confirm Precedent H is attached.

I Other information

Do you intend to make any applications in the future?

Yes No

If Yes, what for?

Please see below.

In the space below, set out any other information you consider will help the judge to manage the claim.

An application for case management directions will be made in due course.

The third Defendant will seek leave to file a Costs Budget (Precedent H) once this claim has been particularised.

Directions

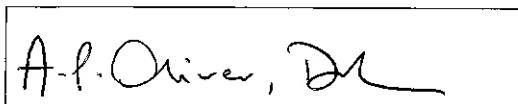
Notes

You must attempt to agree proposed directions with all other parties. **Whether agreed or not a draft of the order for directions which you seek must accompany this form.**

All proposed directions for multi-track cases must be based on the directions at
www.justice.gov.uk/courts/procedure-rules/civil

All proposed directions for fast track cases must be based on CPR Part 28.

Signature



Date

2 7 / 0 5 / 2 0 1 6

[Legal Representative for the] [1st] [2nd] [3rd] []

[Claimant] [Defendant] [Part 20 claimant]

Please enter your name, reference number and full postal address including details of telephone, DX, fax or e-mail

Dolmans Solicitors One Kingsway Cardiff		If applicable	
		Telephone no.	02920345531
		Fax no.	02920398206
		DX no.	122723
Postcode	C F 1 0	3 D S	Your ref.
APO.SWP001-511			
E-mail	adriano@dolmans.co.uk		

IN THE CARDIFF DISTRICT REGISTRY
B E T W E E N:

MAURICE JOHN KIRK

Claimant

- and -

SECRETARY OF STATE FOR JUSTICE

1st Defendant

- and -

PAROLE BOARD FOR ENGLAND AND WALES

2nd Defendant

- and -

CHIEF CONSTABLE OF SOUTH WALES POLICE

3rd Defendant

PROPOSED DIRECTIONS

It is **ordered** that:

1. This claim is listed for a case management conference before His Honour Judge Seys Llewellyn QC on [.....] with a time estimate of 2 hours.