

IN THE { MERGEFIELD TK PICOURTDETS tkCIVILCRT name * UPPER }

CLAIM NUMBER: { MERGEFIELD TK PICOURTDETS tkCLAIMNO }

B E T W E E N : -

{ MERGEFIELD "LINKNAME_FORENAME_1" } { MERGEFIELD
"LINKNAME_SURNAME_1" }

Claimant

- and -

{ IF { MERGEFIELD TK_PIDEF1DETAIL_tkDEF1CONAME } = "" "{ MERGEFIELD
TK_PIDEF1DETAIL_tkDEF1FORENAME } { MERGEFIELD
TK_PIDEF1DETAIL_tkDEF1SURNAME }" "{ MERGEFIELD
TK_PIDEF1DETAIL_tkDEF1CONAME }" }

Defendant

BRIEF TO COUNSEL
TO *****

INSTRUCTIONS TO COUNSEL TO SETTLE PARTICULARS OF CLAIM

Enclosures:-

1. Questionnaire completed by proposed Claimant;
2. Relevant Correspondence between the parties;
3. Medical Report of { IF { MERGEFIELD TK_PIINJMEDDETS_TKMED_EXP_INSTR }
= "Expert 1" "{ MERGEFIELD "TK_PIINJMEDDETS_tkMEDEXPERT1_title" } {
MERGEFIELD "TK_PIINJMEDDETS_tkMEDEXPERT1_forename" } { MERGEFIELD
"TK_PIINJMEDDETS_tkMEDEXPERT1_surname" }" "{ IF { MERGEFIELD
TK_PIINJMEDDETS_TKMED_EXP_INSTR } = "Expert 2" "{ MERGEFIELD
"TK_PIINJMEDDETS_tkMEDEXPERT2_title" } { MERGEFIELD
"TK_PIINJMEDDETS_tkMEDEXPERT2_forename" } { MERGEFIELD
"TK_PIINJMEDDETS_tkMEDEXPERT2_surname" }" "{ MERGEFIELD
"TK_PIINJMEDDETS_tkMEDEXPERT3_title" } { MERGEFIELD
"TK_PIINJMEDDETS_tkMEDEXPERT3_forename" } { MERGEFIELD
"TK_PIINJMEDDETS_tkMEDEXPERT3_surname" }" }", dated *
4. Schedule of Special Damages;
5. Instructing Solicitors Attendance Note on Quantum.

The Facts

In this proposed action the Claimant claims damages for personal injury and losses arising out of { IF { MERGEFIELD TK_ACCDETS_tkACCTYPE } = "RTA" "a road traffic accident" "[{ MERGEFIELD "TK_ACCDETS_tkACCTYPE" }] " } on { MERGEFIELD TK_ACCDETS_tkACCDATE \@ "d" *Ordinal" } { MERGEFIELD TK_ACCDETS_tkACCDATE \@ "MMMM yyyy" }. { IF { MERGEFIELD TK_PICLIENTINFO_tkTYPEFUNDING } = "CFA" "The claim is being funded by way of a conditional fee agreement with a success fee. Counsel is instructed on a CFA/Disbursement basis." "The claim is being funded by way of * . Counsel is instructed on a * basis." }

The Issues

Counsel will note that liability { IF { MERGEFIELD TK_PIDEF1DETAIL_tkDEF1LIABADM } = "Liability Admitted" "is not in dispute with the Defendant's insurers by letter admitting negligence/ breach of statutory duty." "{ IF { MERGEFIELD TK_PIDEF2DETAIL_tkDEF2LIABADM } = "Liability Admitted" "is not in dispute with the Defendant's insurers by letter admitting negligence/ breach of statutory duty." "{ IF { MERGEFIELD TK_PIDEF3DETAIL_tkDEF3LIABADM } = "Liability Admitted" "is not in dispute with the Defendant's insurers by letter admitting negligence/ breach of statutory duty." "is in dispute." }" } } IF { MERGEFIELD TK_PIVALUE_TK_PT36_AMT_D } <> "" "

Counsel will also see that a Part 36 Offer was made on the Claimant's behalf on { MERGEFIELD TK_PIVALUE_TK_PT36_DT_PD \@ "d" *Ordinal } { MERGEFIELD TK_PIVALUE_TK_PT36_DT_PD \@ "MMMM yyyy" } amounting to £{ MERGEFIELD TK_PIVALUE_TK_PT36_AMT_D }. This has not been accepted by the Defendant(s) nor have any satisfactory proposals been put forward." "" }

Evidence

The Claimant relies upon the evidence of:

{ IF { MERGEFIELD TK_PIOTHEREXPS_TK_ENG_REP_DISC } = "Yes" "{ MERGEFIELD "TK_PIOTHEREXPS_TKENGINEER_title" } { MERGEFIELD "TK_PIOTHEREXPS_TKENGINEER_forename" } { MERGEFIELD "TK_PIOTHEREXPS_TKENGINEER_surname" } -" "" } { IF { MERGEFIELD "TK_PIOTHEREXPS_TK_PI_REP_DISC" } = "Yes" "{ MERGEFIELD "TK_PIOTHEREXPS_TKPRIVINVESTIG_title" } { MERGEFIELD "TK_PIOTHEREXPS_TKPRIVINVESTIG_forename" } { MERGEFIELD "TK_PIOTHEREXPS_TKPRIVINVESTIG_surname" } -" "" } { IF { MERGEFIELD "TK_PIOTHEREXPS_TK_EX1_REP_DISC" } = "Yes" "{ MERGEFIELD "TK_PIOTHEREXPS_TKOTHEREXP1_title" }	{ IF { MERGEFIELD TK_PIOTHEREXPS_TK_ENG_REP_DISC } = "Yes" "Engineer" "" } { IF { MERGEFIELD "TK_PIOTHEREXPS_TK_PI_REP_DISC" } = "Yes" "Private Investigator" "" } { IF { MERGEFIELD "TK_PIOTHEREXPS_TK_EX1_REP_DISC" } = "Yes" "[*** area of expertise]" "" }
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"TK_PIOTHEREXPS_TKOTHEREXP1_fore
name" } { MERGEFIELD
"TK_PIOTHEREXPS_TKOTHEREXP1_sur
name" } -" "" }
{ IF { MERGEFIELD { IF { MERGEFIELD
"TK_PIOTHEREXPS_TK_EX2_REP_DISC "TK_PIOTHEREXPS_TK_EX2_REP_DISC" }
" } = "Yes" "{ MERGEFIELD = "Yes" "[*** area of expertise]" "" }
"TK_PIOTHEREXPS_TKOTHEREXP2_title
" } { MERGEFIELD
"TK_PIOTHEREXPS_TKOTHEREXP2_fore
name" } { MERGEFIELD
"TK_PIOTHEREXPS_TKOTHEREXP2_sur
name" } -" "" }
{ IF { MERGEFIELD { IF { MERGEFIELD
"TK_PIOTHEREXPS_TK_EX3_REP_DISC "TK_PIOTHEREXPS_TK_EX3_REP_DISC" }
" } = "Yes" "{ MERGEFIELD = "Yes" "[*** area of expertise]" "" }
"TK_PIOTHEREXPS_TKOTHEREXP3_title
" } { MERGEFIELD
"TK_PIOTHEREXPS_TKOTHEREXP3_fore
name" } { MERGEFIELD
"TK_PIOTHEREXPS_TKOTHEREXP3_sur
name" } -" "" }

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whose report(s) has/have been disclosed to the insurers and who have not obtained their own evidence. This evidence has been treated as agreed. A Schedule of Special Damages has also been served.

Counsel's Instructions

Those instructing Counsel do believe that the Claimant has reasonable prospects of proving that

- i. The opponent was negligent/and or breach of statutory duty
- ii. This breach of duty led to an injury
- iii. The claim has a value of £{ MERGEFIELD "TK_PIVALUE_TKNETVLCLAIM" }
- iv. The above named is the appropriate Defendant
- v. Any judgement is likely to be satisfied against the Defendant

Counsel is asked to settle the Particulars of Claim. If Counsel needs any further information they need only contact { MERGEFIELD "CALCULATION_FEE_EARNER_DESCRIPTION" }, Instructing Solicitor.

Dated { SET LtrDate { DATE \@ "d MMMM yyyy" * MERGEFORMAT }}{ LtrDate \@ "d MMMM, yyyy" }

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{ MERGEFIELD PRACTICEINFO_PRACTICE_NAME }
{ MERGEFIELD PRACTICEINFO_HOUSE }
{ MERGEFIELD PRACTICEINFO_AREA }
{ MERGEFIELD PRACTICEINFO_POSTAL_TOWN }

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{ MERGEFIELD PRACTICEINFO_POSTCODE }

{ MERGEFIELD "MATTER_FEE_EARNER_ID" }/{ MERGEFIELD "Client_No" }/{
MERGEFIELD "Matter_No" }

.....
{ MERGEFIELD "PRACTICEINFO_PRACTICE_NAME" }

Dated

IN THE { MERGEFIELD TK PICOURTDETS tkCIVILCRT name * UPPER }

CLAIM NUMBER: { MERGEFIELD
TK PICOURTDETS tkCLAIMNO }

BETWEEN:

{ MERGEFIELD "LINKNAME_FORENAME_1" } {
MERGEFIELD "LINKNAME_SURNAME_1" }
Claimant

- and -

{ IF { MERGEFIELD
TK_PIDEF1DETAIL_tkDEF1CONAME } = "" "{
MERGEFIELD
TK_PIDEF1DETAIL_tkDEF1FORENAME } {
MERGEFIELD
TK_PIDEF1DETAIL_tkDEF1SURNAME }" "{
MERGEFIELD
TK_PIDEF1DETAIL_tkDEF1CONAME }" }
Defendant

BRIEF TO COUNSEL TO

Clerk to { MERGEFIELD
TK_PICOURTDETS tkCOUNSEL_title } {
MERGEFIELD
TK_PICOURTDETS tkCOUNSEL_initials } {
MERGEFIELD
TK_PICOURTDETS tkCOUNSEL_surname }
{ MERGEFIELD
"TK_PICOURTDETS tkCOUNSEL_compaddress" }