

Notice of Hearing of Application

In the Clerkenwell & Shoreditch County Court	
Claim Number	1UD62118
Date	1 May 2013

SALIH OZBAY	1st Claimant Ref 06/OZB1.1
LONDON BOROUGH OF WALTHAM FOREST	1st Defendant Ref

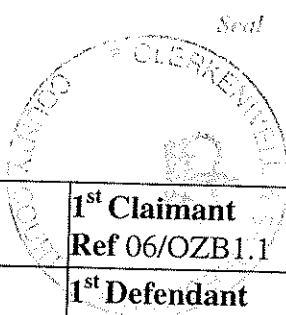
The hearing of the claimant's application dated 19 April 2013 will take place at 12:30 PM on the 22 May 2013 at Clerkenwell & Shoreditch County Court, 29-41 Gee Street, London, EC1V 3RE.

time estimate of 20 minutes

Cases are listed in accordance with local hearing arrangements determined by the Judiciary and implemented by court staff. Every effort is made to ensure that hearings start either at the time specified or as soon as possible thereafter. However, listing practices or other factors may mean that delay is unavoidable. Furthermore, in some instances a case may be released to another judge, possibly at a different court. Please contact the court for further information on the listing arrangements that may apply to your hearing.

General Form of Judgment or Order

In the Clerkenwell & Shoreditch County Court	
Claim Number	1UD62118
Date	1 May 2013

SALIH OZBAY	 1st Claimant Ref 06/OZB1.1
LONDON BOROUGH OF WALTHAM FOREST	1st Defendant Ref

Before Deputy District Judge Salomon sitting at Clerkenwell & Shoreditch County Court, 29-41 Gee Street, London, EC1V 3RE.

Upon hearing the Counsel for the Claimant and the Defendant not attending

IT IS ORDERED THAT

1. Damage assessed at [REDACTED] plus interest assessed at [REDACTED] and costs of [REDACTED]

Dated 15 April 2013

Application notice

For help in completing this form please read the notes for guidance form N244Notes.

Name of court		Clerkenwell and Shoreditch County Court
Claim no.	1UD62118	
Warrant no. (if applicable)		
Claimant's name (including ref.)	SALIH OZBAY	
Defendant's name (including ref.)	LONDON BOROUGH OF WALTHAM FOREST	
Date	19/04/2013	

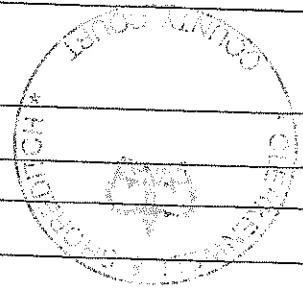
1. What is your name or, if you are a solicitor, the name of your firm?

DOWSE & CO

2. Are you a Claimant Defendant Solicitor
 Other (please specify)

If you are a solicitor whom do you represent?

Claimant



3. What order are you asking the court to make and why?

TO VARY THE ORDER MADE AT THE DISPOSAL HEARING ON 15.4.13 TO PROVIDE IN ADDITION THAT THE CLAIMANT'S CLAIM FOR AN ADDITIONAL COSTS LIABILITY BE SUMMARILY ASSESSED ON THE FIRST OPEN DAY OR ALTERNATIVELY BE THE SUBJECT OF DETAILED ASSESSMENT IF NOT AGREED FOR THE REASONS SET OUT IN THE EVIDENCE SET OUT HEREIN

4. Have you attached a draft of the order you are applying for? Yes No

5. How do you want to have this application dealt with?
 at a hearing without a hearing
 at a telephone hearing

6. How long do you think the hearing will last?
 Hours Minutes
 Is this time estimate agreed by all parties? Yes No

7. Give details of any fixed trial date or period

8. What level of Judge does your hearing need?

D/J

9. Who should be served with this application?

10. What information will you be relying on, in support of your application?

- the attached witness statement
- the statement of case
- the evidence set out in the box below

If necessary, please continue on a separate sheet.

1 On 15.4.13 the Claimant's claim for damages was determined at a disposal hearing before Deputy District Judge Soloman when the Claimant was represented by Counsel and the Defendant did not attend.

2 The Claimant was funded in the proceedings by a Conditional Fee Agreement of which notice in form N251 had been served and filed at the outset and which provided for an additional liability (a "success fee").

3 I am informed that the hearing was at 3:30pm and 30 minutes has been set aside. The hearing lasted 60 minutes and the Deputy District Judge awarded the Claimant damages of [REDACTED] including interest.

4 At the conclusion of the hearing the Claimant's Counsel produced his instructing solicitor's Statement of Costs on Form N260. The Statement of Costs set out the Claimant's base costs only, there being no provision within Form260 to detail any additional liability.

5 The Deputy District Judge summarily assessed and awarded the base costs of [REDACTED] as claimed but made no summary assessment of the additional liability. It is regrettable that Counsel did not expressly bring to the Deputy District Judge's attention her power to assess all the costs summarily, pursuant to CPR PD X44.13. Had the Deputy District Judge summarily assessed the additional liability she would have noted that sum separately pursuant to CPR PD X44.13.7, but did not do.

Statement of Truth

(I believe) (I believe) that the facts stated in this section (and any continuation sheets) are true.

Signed [Signature] Dated 19/04/2013
 Applicant's Solicitor (or litigation friend)

Full name Willaim A Parry-Davies

Name of applicant's solicitor's firm Dowse & Co

Position or office held Partner, Dowse & Co
(if signing on behalf of firm or company)

11. Signature and address details

Signed [Signature] Dated 19/04/2013
 Applicant's Solicitor (or litigation friend)

Position or office held Partner, Dowse & Co
(if signing on behalf of firm or company)

Applicant's address to which documents about this application should be sent

Dowse & Co
 23-25 Dalston Lane
 London
 E8 3DF

Postcode
 E 8 3 D F

If applicable	
Phone no.	0207 254 6205
Fax no.	0207 923 1497
DX no.	DX 46800 Dalston
Ref no.	06\OZB1.1

E-mail address

10. What information will you be relying on, in support of your application?

6 In the circumstances the Deputy District Judge presumably had intended to discharge her jurisdiction in respect of the additional costs liability, pursuant to CPR X44.3A.(2), by ordering a detailed assessment of the additional liability or alternatively to consider that matter at a later date.

7 In the premises I apply that the Order made on 15.4.13 be varied to provide for a further Order that the Claimant's claim for the Additional Liability be paid by the Defendant to be assessed summarily on the first open day or alternatively be the subject of detailed assessment if not agreed.