

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

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BRIEF TO COUNSEL  
TO \*\*\*\*\*

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### **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:

<pre>{ IF { MERGEFIELD TK_PIOOTHEREXPS_TK_ENG_REP_DISC } = "Yes" "{ MERGEFIELD "TK_PIOOTHEREXPS_TKENGINEER_title" } { MERGEFIELD "TK_PIOOTHEREXPS_TKENGINEER_forename" } { MERGEFIELD "TK_PIOOTHEREXPS_TKENGINEER_surname" } - " "" }</pre>	<pre>{ IF { MERGEFIELD TK_PIOOTHEREXPS_TK_ENG_REP_DISC } = "Yes" "Engineer" "" }</pre>
<pre>{ IF { MERGEFIELD "TK_PIOOTHEREXPS_TK_PI_REP_DISC" } = "Yes" "{ MERGEFIELD "TK_PIOOTHEREXPS_TKPRIVINVESTIG_title" } { MERGEFIELD "TK_PIOOTHEREXPS_TKPRIVINVESTIG_forename" } { MERGEFIELD "TK_PIOOTHEREXPS_TKPRIVINVESTIG_surname" } - " "" }</pre>	<pre>{ IF { MERGEFIELD "TK_PIOOTHEREXPS_TK_PI_REP_DISC" } = "Yes" "Private Investigator" "" }</pre>
<pre>{ IF { MERGEFIELD "TK_PIOOTHEREXPS_TK_EX1_REP_DISC" } = "Yes" "{ MERGEFIELD "TK_PIOOTHEREXPS_TKOTHEREXP1_title" } { MERGEFIELD</pre>	<pre>{ IF { MERGEFIELD "TK_PIOOTHEREXPS_TK_EX1_REP_DISC" } = "Yes" "[*** area of expertise]" "" }</pre>

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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

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BRIEF TO COUNSEL TO

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Clerk to { MERGEFIELD  
TK\_PICOURTDETS\_tkCOUNSEL\_title } {  
MERGEFIELD  
TK\_PICOURTDETS\_tkCOUNSEL\_initials } {  
MERGEFIELD  
TK\_PICOURTDETS\_tkCOUNSEL\_surname }  
{ MERGEFIELD  
"TK\_PICOURTDETS\_tkCOUNSEL\_compaddress" }