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4149e85cb081\\header.doc"**}**

Our Ref: **{** MERGEFIELD MATTER_FEE_EARNER_ID **}/{** MERGEFIELD
                  client_no **}/{** MERGEFIELD matter_no **}**

Your Ref:

{ SET LETTER**{** DATE \@ "d MMMM yyyy" **}** **}{**ref LETTER \@ "d MMMM yyyy" \ *
MERGEFORMAT **}**

{ IF **{** MERGEFIELD TK_PICLIENTINFO_tkCLIENTMINOR **}** = "Yes" "**{** MERGEFIELD
TK_PICLIENTINFO_TK_LITFRNDTITLE **}** **{** MERGEFIELD
TK_PICLIENTINFO_TK_LITFRNDFORE **}** **{** MERGEFIELD
TK_PICLIENTINFO_TK_LITFRNDSURN **}**
{ MERGEFIELD TK_PICLIENTINFO_TK_LITFRNDADDR **}**" "**{** MERGEFIELD
LINKNAME_TITLE_1 **}** **{** MERGEFIELD LINKNAME_INITIALS_1 **}** **{** MERGEFIELD
LINKNAME_SURNAME_1 **}**
{ MERGEFIELD CALCULATION_ADDRESS **}**" **}**

Dear **{** IF **{** MERGEFIELD TK_PICLIENTINFO_tkCLIENTMINOR **}** = "Yes" "**{** MERGEFIELD
TK_PICLIENTINFO_TK_LITFRNDTITLE **}** **{** MERGEFIELD
TK_PICLIENTINFO_TK_LITFRNDSURN **}**" "**{** IF **{** MERGEFIELD
TK_PICLIENTINFO_tk_SALUTATION **}** = "" "**{** MERGEFIELD LINKNAME_TITLE_1 **}** **{**
MERGEFIELD LINKNAME_SURNAME_1 **}**" "**{** MERGEFIELD
TK_PICLIENTINFO_tk_SALUTATION **}**" **}**" **}**

Re: **{ MERGEFIELD MATTER_MATTER_DESCRIPTION }**

I write to report that I have now received the Defence of from the other party's solicitors setting
out exactly which aspects of the claim are disputed.

At this stage of the case the Defendant can deny or not admit, various aspects of the claim.
Although the Defence gives some explanation of the reasons for admissions and denials made,
it may only be at a later stage, after evidence is exchanged, that we understand the full reasons
for the terms of the Defence and whether the stance taken by the Defendant can be justified by
the evidence.

I enclose a copy of the Defence. As you will see, this sets out the Defendant's response to the
Particulars of Claim which gave your case. However it may be useful if I summarise the points
taken by the Defendant and the way in which the Defence defines the issues.

(1)   The role of the Defendant is **{** MERGEFIELD TK_DEFENCE_TKDEF1_ROLE **}**.

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4149e85cb081\\footer.doc"**}**

(2)   Your role is **{ MERGEFIELD TK_DEFENCE_TKCLI_ROLE }**.

(3)   The fact of the accident is **{ MERGEFIELD TK_DEFENCE_TK_FACT_ACC }**.

(4)   The cause and circumstances of the injures are **{ MERGEFIELD TK_DEFENCE_TK_INJ_CAUS }**.

(5)   The allegations that the injuries were caused by the Defendant's fault are **{ MERGEFIELD TK_DEFENCE_TKDEF1_FLT }**.

(6)   The injuries suffered are **{ MERGEFIELD TK_DEFENCE_TK_INJ_SUFF }**.

(7)   The expenses and losses claimed as a result of the injuries are**{ MERGEFIELD TK_DEFENCE_TK_EXP_LOSS }**.

Either

[Although I need to detail the points taken by the Defendant please do not think that the Defence necessarily undermines your case – a Defendant may often deny or not admit liability, even though ultimately the Defendant recognises that the court may find in your favour on this issue.]

Or

[It is encouraging that the Defence formally accepts responsibility for the injuries. As I would never expect a Defendant to admit the nature and extent of the injuries, losses and expenses, the terms of the Defence are the best we could hope for at this stage.]

The Defence is intended to set out precisely the Defendant's position, and supersedes any points or concessions that may have been made before. Usually the Defence sets out the Defendant's final position, although the court can subsequently allow any part of the Defence to be amended. If there should be an amendment to the Defence at a later stage, I will advise further.

[The Defence does therefore supersede the admission previously made by the Defendant. It is regrettable that after making this admission the Defendant now seeks to withdraw it. I have in the circumstances asked the Defendant to explain why the earlier admission is to be withdrawn. Once I have a response I will be able to advise whether I think the court will allow the Defendant to withdraw the admission or if it may be possible to ask the court to rule that the Defendant must stand by the admission made previously. For the moment I must advise on the basis of the Defendant's case as set out in the Defence.]

[The Defendant has sent with the Defence a request for some further information concerning the background to the claim. Again, this is quite usual practice and one of the reasons why I have tried, so far as possible to obtain very detailed instructions from you at the outset. Whilst I have much of the information necessary to respond to the request for additional information, there are some points upon which I should like to obtain your further instructions.

It may not be appropriate to give answers to all the questions at this stage and in any event, you may not be able to be specific about some of the points raised. However I shall be grateful if you can consider what information it is possible to give above and beyond that which I already have

from you.]

Generally, I think it will be useful to meet at this stage so that we can discuss points arising out of the Defence.

Now that we know the Defendant's exact position on the various aspects of the claim, I am reviewing the case generally so that we can be satisfied that all aspects have been properly put before the court in the statements of case and checking to see if there are any points the Defendant should be asked to clarify or answer. More generally, I will now review the evidence on the basis of the statements of case to ensure that evidence will be ready for exchange by the appropriate time and deal with the matters that remain in dispute.

I will let you know when we are ready to move on to the exchange of evidence with the Defendant. Meanwhile I anticipate that the court will require reports from the parties suggesting how the case should best proceed. I will advise further once I am ready to make this report to the court.

Yours sincerely

{ MERGEFIELD CALCULATION_FEE_EARNER_DESCRIPTION }
{ MERGEFIELD PRACTICEINFO_PRACTICE_NAME*UPPER }