

General Form of Judgment or Order

In the County Court at Central London	
Claim Number	F19YY261
Date	23 April 2021



XY	1st Claimant Ref SW/3982/004/SW
THE HOME OFFICE	1st Defendant Ref Z2001953/CBT/H016

Before His Honour Judge Freeland QC sitting at the County Court at Central London, Central London, R. C. J, Thomas More Building, Royal Courts Of Justice, Strand, London, WC2A 2LL.

UPON hearing counsel for the Claimant and counsel for the Defendant remotely via BT MeetMe.

IT IS ORDERED THAT:

1. The Claimant is granted anonymity and shall be referred to in these proceedings as “XY”. The identity of the Claimant shall not be disclosed in these proceedings and shall not be disclosed in any other way.
2. The matter be allocated to the multi-track and docketed to HHJ Freeland QC for all further case management and trial if available, otherwise HHJ Saggerson or HHJ Baucher.
3. At all stages the parties must consider settling this litigation by any means of Alternative Dispute Resolution (including Mediation); any party not engaging in any such means proposed by another must serve a witness statement giving reasons within 21 days of that proposal; such witness statement must not be shown to the trial judge until questions of costs arise.

DISCLOSURE

4. Each party shall give standard disclosure of documents on Form N265 by 4.00pm on 18 June 2021.
5. Any requests for inspection or copies of disclosed documents shall be made by 4.00pm on 2 July 2021 and all requests must be complied with by 4.00pm on 16 July 2021.

The court office at the County Court at Central London, Central London, R. C. J, Thomas More Building, Royal Courts Of Justice, Strand, London, WC2A 2LL. When corresponding with the court, please address forms or letters to the Court Manager and quote the claim number. Tel: 0300 123 5577 Fax: 0870 739 4144 (GOLD FAX). Check if you can issue your claim online. It will save you time and money. Go to www.moneyclaim.gov.uk to find out more.

Deighton Pierce Glynn Solicitors
8 Union Street
London
SE1 1SZ

WITNESS STATEMENTS

6. The parties shall exchange statements of witnesses of fact upon which the party serving the statement seeks to rely and serve any notices relating to evidence by 4.00pm on 20 August 2021.

EXPERT EVIDENCE

7. The Claimant has permission to rely on the expert report of Dr Galappathie, Consultant Forensic Psychiatrist dated 27 March 2019 and Ms Pontes, Clinical Psychologist dated 14 November 2019.

8. The Claimant has permission to serve an updated report from Dr Galappathie by 29 October 2019.

9. The Defendant has permission to rely on the written expert medical report from a Consultant Psychiatrist to be named by 2 September 2021, such report to be served by 29 October 2021.

10. There be a without prejudice discussion between the experts of like discipline in which the experts will identify the issues on which they agree and on which they disagree with a summary of their reasons in accordance with rule 35.12 CPR and each Statement must be sent to the parties by 17 December 2021.

11. The parties have permission to rely upon expert evidence, from a single joint expert, in the field of learning disabilities.

12. If necessary, the parties shall attempt to reach agreement upon the instruction of a joint expert in the field of learning disabilities. The parties shall prepare joint instructions by 2 September 2021, for the preparation of an expert report to be drafted by 29 October 2021.

13. If the parties are unable to reach an agreement on a joint expert, they have permission to apply for the Court to decide which expert to appoint.

14. The parties shall have permission to put any further questions to the expert(s) in relation to his draft report by 4.00pm on 15 November 2021 for replies by 4.00pm on 13 December 2021.

15. The expert evidence at trial shall be by written report unless permission is given prior to the trial for oral evidence.

ASSESSORS

16. Pursuant to S114(7) Equality Act 2010 the Court wishes to appoint an Assessor with expertise in the area of disability to assist the Judge at trial. For this purpose the Court maintains a list of suitable assessors but the parties may wish to propose a suitable assessor for the Court to consider appointing. If the parties so wish they must within 21 days of the receipt of this sealed order file and serve:

- a. the name of the proposed Assessor;
- b. the CV of the proposed Assessor;
- c. the qualifications of the Assessor and the nature and knowledge of their experience of the protected characteristics relied upon; and
- d. details of the Assessor's fees.

17. The Court is ultimately responsible for the appointment of an assessor. Accordingly, in the absence of agreement between the parties the Court shall take appropriate steps for the appointment of a suitable assessor with expertise in the area of disability and shall provide parties with an appropriate CV for approval in the usual way. This Order must be provided forthwith to the Court officer with responsibility for the appointment of assessors and the identity of the assessor must be confirmed in writing to the parties, the clerk to HHJ Freeland QC and HHJ Freeland QC by no later than 3 weeks prior to the date for the pre-trial review.

LISTING AND GENERAL DIRECTIONS

18. The trial shall be listed before a Circuit Judge, reserved to HHJ Freeland QC if available, otherwise HHJ Saggerson or HHJ Baucher, sitting with an assessor as herein before provided, in the window between 1 March 2022 and 31 May 2022 (inclusive) with a time estimate of 4 days (to include time for reading in for the judge and consideration and delivery of judgment).

19. Each party do file a completed Pre-Trial checklist by 4.00pm 17 January 2022.

20. There will be a telephone listing appointment on the first open date after 1 June 2021 (listings to provide dates). Each party must have dates to avoid for the Parties, witnesses (including expert witnesses) and advocates. The Listing Appointment will be conducted as a telephone conference pursuant to PD23.6. The Parties will attempt to agree a list of such dates, in which case one Party may phone (without setting up a formal telephone conference) on behalf of all, provided that they certify that all others have agreed.

21. On receipt of this information the Court will arrange a date for trial over the phone and a formal notice of hearing will be sent by email, post or DX. Thereafter the hearing date will not be altered save on application on notice to a Circuit Judge.

22. The case be listed for a Pre-Trial Review with a time estimate of one hour approximately 6 weeks before the date fixed for trial (listings to provide date). The Pre-Trial Review shall be listed before the trial judge, reserved to HHJ Freeland QC if available.

23. The Claimant's Solicitors shall lodge at least 3 clear days before the Pre-Trial Review to centrallondoncjskel@justice.gov.uk the following agreed documents: (i) Case Summary; (ii) Schedule of Issues; (iii) any proposed Directions; (iv) Draft Trial Timetable. For the avoidance of doubt, the issue of whether the parties shall be permitted to adduce oral evidence from any of the expert witnesses shall be determined by no later than the Pre-Trial Review.

24. The Claimant do prepare and file and serve a trial bundle not less than 28 days before trial. For the avoidance of doubt, the trial bundle shall include: (i) a detailed chronology of all relevant agreed dates; (ii) a concise case summary; (iii) an agreed trial timetable, to include time for reading in for the judge and consideration and delivery of judgment; (iv) an agreed list of issues on both liability and quantum for the determination of the judge; and (v) an agreed reading list for the judge and the assessor, to include a case summary.

25. Skeleton arguments shall be exchanged and filed at least 3 clear days before the hearing to centrallondoncjskel@justice.gov.uk.

26. Parties shall agree the content of a bundle of authorities and sources at least 10 clear days before trial. The Claimant shall provide the trial judge with the agreed paginated and indexed bundle of authorities on the morning of the first day of the trial.

27. The Claimant must inform the Court as soon as possible if the case is settled, whether or not it is then possible to file a draft Consent Order to give effect to the settlement.

28. The parties may, by prior agreement in writing, extend the time for directions by up to 28 days and without the need to apply to Court. Beyond that 28 days period, any agreed extension of time must be submitted to the Court by email including a brief explanation of the reasons, confirmation that it will not prejudice any hearing date and with a draft Consent Order in word format. The Court will then consider whether a formal application and hearing is necessary.

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9. Costs in the case.

30. Permission to restore for further directions.

31. The case shall be listed for a costs management conference reserved to HHJ Freeland QC on the first available date after 21 days, with a time estimate of one hour. In the event that the parties are able to agree costs budgets, the Claimant must inform the Court and inform the clerk to HHJ Freeland QC immediately.

Dated 20 April 2021

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Dated 20 April 2021

