

General Form of Judgment or Order

In the High Court of Justice Queen's Bench Division Leeds District Registry	
Claim Number	G90LS755
Date	17 March 2021

Seal

KXC	1 st Claimant Ref TL2/COT12/4
HYL	2 nd Claimant Ref
SZL	3 rd Claimant Ref
LONDON BOROUGH OF CROYDON COUNCIL	1 st Defendant Ref ZMH007-1319838-DADK

Before District Judge Greenan sitting at Leeds District Registry, Leeds Combined Court Centre, The Courthouse, 1 Oxford Row, Leeds, LS1 3BG.

UPON HEARING counsel for the parties

AND UPON IT BEING NOTED that the Second and Third Claimants were at the time of issue of these proceedings and are under the age of 18, and that by virtue of CPR 3.12(1)(c), the costs management provisions are not applicable to this claim

IT IS ORDERED THAT

Anonymity

1. Pursuant to CPR 39.2(4) and the Human Rights Act 1998, the Claimants are hereby granted anonymity throughout these proceedings, unless and until the court directs otherwise. They shall respectively be referred to as KXC, HYL and SZL. No person shall publish any information concerning these proceedings which directly or indirectly identifies any of the Claimants or any member of their family. A failure to comply with this direction may amount to a contempt of court.

2. Pursuant to CPR 39.2(5), a copy of this order will be placed on the UK Judiciary website and non-parties may apply to have paragraph 1 of this order varied or set aside.
Application to disclose information from care proceedings

The court office at Leeds District Registry, Leeds Combined Court Centre, The Courthouse, 1 Oxford Row, Leeds, LS1 3BG. When corresponding with the court, please address forms or letters to the Court Manager and quote the claim number. Tel: 0113 3062800. **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.**

Produced by: Thomas Dillon
CJR065C

Gt Stewart Solicitors & Advocates
Suite E, Joseph's Well
Hanover Walk
Leeds
LS3 1AB

3. The parties shall, as soon as reasonably practicable, make a joint application to the Family Court at York for permission pursuant to rule 12.73(1)(b) of the Family Proceedings Rules 2010 to disclose information about and relating to the care proceedings concerning the Second and Third Claimants.

Venue

4. Any application for this case to be transferred to London or elsewhere for hearing shall be made by 4pm on September 14th 2020.

Statements of case

5. The Claimants have permission to file and serve, if so advised, Amended Particulars of Claim by 4pm on the day falling 28 days after an order made by the Family Court on the application referred to in paragraph 3 above.

6. By 4pm on the date referred to in paragraph 5 above, the Claimants shall either file and serve a Schedule of Loss or confirm in writing to the Defendant and the court that they do not intend to claim any special damages or pecuniary loss within these proceedings.

7. The Defendant has permission to file and serve an Amended Defence by 4pm on the day falling 56 days after an order made by the Family Court on the application referred to in paragraph 3 above, or 28 days after the service of Amended Particulars of Claim, whichever date is the later.

8. The parties shall bear their own costs of and occasioned by the steps referred to in paragraphs 5 to 7 above.

Disclosure

9. **By 4pm on June 11th 2021**, the parties shall give standard disclosure by exchanging lists of documents.

10. **By 4pm on June 18th 2021**, any request must be made to inspect the original of or for the provision of any disclosed document.

11. Any such request shall be complied with, or reasons for any objection to inspection given, within 7 days of the request.

Evidence of fact

12. **By 4pm on August 20th 2021**, the parties must serve copies of the signed statements of all witnesses on whose evidence they intend to rely at trial, and all notices relating to evidence.

13. Oral evidence will not be permitted at trial from a witness whose statement has not been served in accordance with this order or has been served late, except with permission from the Court.

Expert evidence

14. The parties have permission to rely on written expert evidence as follows:

(1) The Claimants:

(a) An expert in psychology, whose report or reports must be served **by 4pm on May 14th 2021**.

(b) An expert in social work practice, whose report must be served **by 4pm on October 15th 2021**.

(2) The Defendant:

(a) An expert in psychology, whose report or reports must be served **by 4pm on October 15th 2021**.

(b) An expert in social work practice, whose report must be served **by 4pm on October 15th 2021**.

15. If both parties serve reports in any discipline, the following directions apply:

(1) There must be a without prejudice discussion between the experts of like discipline by **4pm on November 19th 2021** in which the experts will identify the issues between them and reach agreement if possible. The experts will prepare for the court and sign a statement of the issues on which they agree and on which they disagree with

a summary of their reasons in accordance with Rule 35.12 Civil Procedure Rules, and each statement must be sent to the parties to be received by **4pm on November 26th 2021** and in any event no later than 7 days after the discussion.

(2) If the parties agree that they are necessary, an agenda directing the experts to the issues relating to their discipline shall be sent to them by **4pm on November 12th 2021**. The agenda:

(a) shall be agreed between the parties if possible; and

(b) if agreement is not reached, the Defendant's solicitors may send a supplemental agenda containing any further questions which they wish to pose to the experts.

16. Any unpublished literature upon which any expert witness proposes to rely must be served at the same time as service of his report together with a list of published literature. Any supplementary literature upon which any expert witness relies must be notified to all parties at least one month before trial. No expert witness may rely upon any publications that have not been disclosed in accordance with this order without the permission of the trial judge subject to costs as appropriate.

17. A copy of this order must be sent to each expert by the party instructing them along with the expert's instructions.

Schedules of loss

18. If the Claimants have served a Schedule of Loss pursuant to paragraph 6 of this order:

(1) By **4pm on November 26th 2021**, the Claimants shall send an up-to-date Schedule of Loss to the Defendant.

(2) By **4pm on December 10th 2021**, the Defendant shall send an up-to-date Counter-Schedule of Loss to the Claimants' solicitors.

Pre-trial review and trial

19. The parties shall file and serve Listing Questionnaires by **4pm on September 4th 2021**.

20. The case shall be listed for a pre-trial review between **January 14th 2022 and February 18th 2022 with a time estimate of one hour**. The following directions shall apply for the pre-trial review:

(1) The pre-trial review shall be held by telephone hearing unless otherwise directed by the court. The Claimants' solicitors shall make the necessary arrangements for the telephone hearing.

(2) The Claimants shall file and serve a bundle of documents for the pre-trial review, to include a case summary (agreed if possible) not less than 7 days before the hearing.

(3) If there is any issue as to further directions, the parties shall e-mail draft directions not less than 7 days before the hearing.

21. The case shall be listed for trial in a trial window between **March 7th 2022 and April 27th 2022 with a present time estimate of 7 days**. The following directions shall apply to the trial:

(1) Not more than 14 nor less than 7 clear days before the trial, the Claimant must file at court and serve an indexed and paginated bundle of documents which complies with the requirements of Rule 39.5 Civil Procedure Rules and Practice Direction 39A. The parties must endeavour to agree the contents of the bundle before it is filed. The bundle will include a case summary (agreed if possible).

(2) The parties must file and serve skeleton arguments no more than 3 clear days before trial.

Extensions of time

22. Subject to any further order of the court, the parties may, by prior agreement in writing, extend time for any direction in any order of the court by up to 28 days and without the need to apply to court. Beyond that 28 day period any agreed extensions of time must be submitted to the court by e-mail including a brief explanation of the

reasons, confirmation that it will not prejudice any hearing date and with the draft consent order in word format. The court will then consider whether a formal application and hearing is necessary.

Costs

23. Save as provided for in paragraph 8 above, costs shall be in the case.

Dated 10 March 2021

If this order was made as a result of a without notice application or on the Court's own initiative and if you object to the order, you may make an application to have it set aside, varied or stayed provided the application is made within 7 days of service of the order.

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Produced by: Thomas Dillon
CJR065C

Dac Beachcroft Solicitors
The Walbrook Building
25 Walbrook
London
EC4N 8AF
45 LONDON/CHANCERY LN

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