

N244

Application notice

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Name of court High Court of Justice King's Bench Division	Claim no. KB-2024-002247
Fee account no. (if applicable)	Help with Fees - Ref. no. (if applicable)
PBA 007 7352	H W F - - - - -
Warrant no. (if applicable)	
Claimant's name (including ref.) THE MAYOR AND BURGESSES OF THE ROYAL BOROUGH OF KINGSTON UPON THAMES	
Ref. DF/BB/1743/209	
Defendant's name (including ref.) (1) MICHAEL CASEY AND OTHERS	
Date	08/10/2024

1. What is your name or, if you are a legal

South London Legal Partnership

representative, the name of your firm?

2. Are you a Claimant Defendant Legal Representative

Other (please specify)

If you are a legal representative whom do you represent?

Claimant

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

We are asking the Court to make the following orders:

a. The Claimant have permission to cross-examine the named Defendants as to their evidence and witness statements.

This order is sought given the apparent inconsistencies in evidence and witness statements provided by the Defendants, including in relation to land ownership, the availability of alternative accommodation, Ann Doherty's needs and how they are to be met, the state of the land and the reasons why various Defendants were present on it, as well as the signing of documents. In the circumstances, the Claimant believes that there are significant factual disputes which can only properly be resolved by cross-examination of the named Defendants.

This order is sought on a protective basis, as the Claimant's primary position is that Defendants have not filed Acknowledgements of Service, and therefore are not permitted to take part in proceedings.

b. To amend the title of proceedings in the following terms and to dispense with the need to re-serve:

i) Defendant 4: From "Kathleen Doherty" to "Kathleen Bernadette Katrina Doherty"

ii) Defendant 6: From "Thomas Doherty" to "Thomas Jude Doherty"

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

6. How long do you think the hearing will last? Is this time estimate agreed by all parties?

Yes

at a remote hearing

Min

No

7. Give details of any fixed trial date or period

Hearing: Royal Courts of Justice,
Friday 11th October 2024 not before
10.30am.

8. What level of Judge does your hearing need?

[Deputy]/ High Court Judge

9. Who should be served with this application?

The Defendants 1, 2, 3, 4, 6, 7 & 8 Legal
Representative; Persons Unknown

9a. Please give the service address, (other than details of the claimant or defendant) of any party named in question 9.

Defendant's 1, 2, 3, 4, 6, 7, & 8:
Brilliance Solicitors
HatTech Business Centre
Beaconsfield Court
Beaconsfield Road
AL10 8FF
Hatfield, Hertfordshire
casework@brilliancesolicitors.co.uk;

Defendant 5:
Persons Unknown

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.

- a. Please see attached the Second Witness Statement of Toby Feltham, dated 04 October 2024 together with exhibit bundle marked TF2.
- b.
 - i) The passport of Defendant 4 produced at page 59 of the Defendant 1 - 4's Variation Bundle (electronic page 61)
 - ii) The signed witness statement of Defendant 6 at page 259 of the Defendant's Bundle 24 July 2024 (electronic page 274).

11. Do you believe you, or a witness who will give evidence on your behalf, are vulnerable in any way which the court needs to consider?

- Yes. Please explain in what way you or the witness are vulnerable and what steps, support or adjustments you wish the court and the judge to consider.

- No

Statement of Truth

I understand that proceedings for contempt of court may be brought against a person who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

I believe that the facts stated in section 10 (and any continuation sheets) are true.

The applicant believes that the facts stated in section 10 (and any continuation sheets) are true. I am authorised by the applicant to sign this statement.

Signature

John Scarborough

Applicant

Litigation friend (where applicant is a child or a Protected Party)

Applicant's legal representative (as defined by CPR 2.3(1))

Date

Day

08

Month

10

Year

2024

Full name

John Scarborough

Name of applicant's legal representative's firm

South London Legal Partnership

If signing on behalf of firm or company give position or office held

Managing Director

Applicant's address to which documents should be sent.

Building and street

Merton Civic Centre

Second line of address

London Road

Town or city

Morden

County (optional)

London

Postcode

S M 4 | 5 D X

If applicable

Phone number

020 8545 4568/4468

Fax phone number

DX number

DX 161030 Morden 3

Your Ref.

DF/BB/1743/209

Email

david.fellows@merton.gov.uk; samuel.hick@merton.gov.uk