

From: Ronak Ahmed <ronak@tyrerroxburgh.co.uk>
Sent: 31 October 2019 14:36
To: Lorraine Cordell
Subject: RE: Your Son' Case - Withdrawal of the Case

Good afternoon

Thank you for your email dated 28 October 2019. You state *“But I do think this is wrong that Enfield Council has put this on my son when Enfield Council know at this point no-one has been appointed for Simon by the court to act in his best interest. Enfield Council is well aware as it has been stated in there application that my son lacks capacity to litigate and give appropriate instructions in his defence.”* We cannot file a defence as the claim is being terminated. If the case had continued then we would have had to prepare and file a Defence after the hearing in December 2019 – this is what I was expecting to occur.

I have let the Legal Aid Agency know of the Council's offer to discontinue the claim. I will telephone Simon Cordell in the next day or so (unless you come back to me first) and ask again if he has changed his mind. The Agency are likely to terminate funding given the offer received. I will then let the Council's lawyer know of the decision of Simon. If the claim is not agreed to be terminated then at the next hearing the Judge will dismiss the Claim - as the Council want. So by Simon refusing to agree to terminate, all that is occurring is that the Council is being forced to attend the next hearing.

You also state in your above email *“If Enfield Council have instructed there solicitors to discontinue they should just do this, and not put costs first over welfare knowing no one has been appointed for Simon by the court at this stage.”* This is not correct – if the Council wishes to end the Claim they have to obtain the Defendant's consent or the permission of the Court (The Council cannot just end the Claim). The latter option costs money as you can appreciate in court fees etc. Therefore the Council wants an agreement to be reached without a court hearing or having to ask the Court to end the claim- it is the cheaper option.

I would be grateful if you could explain this point to Simon the best you can.

Kind regards

Mr. Ronak Ahmed LL.B, LL.M

Solicitor (Consultant)

Direct Dial 07515 121781

Office 0208 889 3319

Email ronak@tyrerroxburgh.co.uk

TR TYRER ROXBURGH

1 St Michaels Terrace
London
N22 7SJ
DX 34704 WOOD GREEN 2
tel +44 (0)20 8889 3319
fax +44 (0)20 8881 6089
www.tyrerroxburgh.co.uk

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Partners – Mukesh Badhan – D Shanmuganathan - Vasoulla Constantinou