

**B E T W E E N:**

**ROBERT FOSSIL**

**Claimant**

**-and-**

**GRAHAM FLANNAGAN**

**Defendant**

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**DIRECTIONS**

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Before District Judge Herring on 18 December 2018

UPON hearing from solicitor/counsel for the Claimant and the Defendant in person

1. The claim shall be allocated to the Small Claims Track.
2. The Defendant shall file and serve an amended Defence by 4pm 24 January 2019.
3. Each party shall give the other party standard disclosure of documents by list by 4pm 21 February 2019. Any request for inspection should be made by 4pm 28 February 2019 and complied with by 4pm 7 March 2019.
4. Each party shall file and serve all witness statements they seek to rely upon by 4pm 25 April 2019.
5. Permission is given to the parties to rely on, as written evidence only, the report(s) (and replies to any questions) of a jointly instructed expert. If the parties cannot agree on the choice of expert, or any matter relevant to their instructions they must apply to the court for further directions. The report shall be served by no later than 2 May 2019.
  - 5.1. The parties may put written questions to the experts within 21 days of service of the report.
  - 5.2. The expert will reply to the questions within 21 days of service of the questions.
  - 5.3. A copy of this order must be served on the experts by the Claimant

5.4. The expert may apply direct to the court for directions where necessary under Rule 35.14 Civil Procedure Rules.

5.5. A party seeking to call the expert to give oral evidence at trial must apply for permission to do so before pre-trial check lists are filed.

5.6. Unless the parties agree in writing or the Court orders otherwise, the fees and expenses of the expert shall be paid by the parties giving instructions for the report. The fees should not exceed £750.

5.7. The Defendant must attend an appointment with the expert that she has reasonable notice of.

6. Each party must file a completed pre-trial checklist no later than 23 May 2019.
7. The trial of this case will take place on on 4 July 2019.
8. The timetable for the trial may be agreed by the parties, subject to the approval of the trial judge.
9. The Claimant shall lodge an indexed bundle of documents contained in a ring binder and with each page clearly numbered at the court not more than 7 days and not less than 3 days before the start of the trial.
10. The case summary (which should not exceed 250 words) outlining the matters still in issue, and referring where appropriate to the relevant documents shall be included in the bundle for the assistance of the judge in reading the papers before the trial.
11. The parties shall seek to agree the contents of the trial bundle and the case summary.
12. Costs in case.

Dated



