

20th December 2013

The Court Manager
Exeter Crown Court
Southernhay Gardens
Exeter EX1 1UH (By "signed for" post + email)

Dear Sir / Madam

Arthur-v-Layte PZ200604

Despite acknowledging that you have read my 2nd December 2013 email to Elaine Graham of Truro Court (enc) and promising to respond within 10 working days I have not received a response by the due date.

- In November 2005, at the final trial of Mr and Mrs Arthur's various misconceived Claims made against us since July 2002, we were awarded costs against the Claimants, to be assessed by detailed assessment if not agreed. It was not possible to agree costs with the Claimants as they refused to communicate so -
- We prepared Bills of Costs and served them on the Claimants service address by "signed for" post on 8th March 2007. As the Bills were signed for a certificate of service was sent to the Court.
- The Claimants chose not to dispute the Bills so the Court issued Default Cost Certificates on 2nd April 2007 which totalled £177,010.53 for the first Defendant and £70,458.16 for the second Defendant. Included in these amounts was the £17,681.82 (inc VAT) that we had paid our solicitors for entering a Defence to two of the Claims. The majority of our costs were for our time acting in person.
- Since 2nd April 2007 the form and content of our Bills of Cost has remained virtually unaltered (see enclosed DVD for actual copies of our bills).
- Since 2nd April 2007 the Court's opinion as to whether or not our Bills are in a suitably CPR compliant form (so as to allow the Claimants to make meaningful points of dispute) has changed from Judge Wainwright's 10th (Drawn 12th) September 2007 Order (enc) which implied they are not compliant (and relieved the Claimants from the need to dispute them) to Judge Wainwright's 30th October 2008 and 30th December 2008 Orders which certified our Bills as compliant and ordered the Claimants to dispute them.

These are the undeniable facts so why have we not been paid our costs plus the interest due on them?

1. Mr Arthur (First Claimant) managed to get the Default costs Certificates set aside by providing the Court with a falsified copy of our Bills that despite the Judge describing it

as a "Bill for substantial costs" was not a Bill at all as it did not claim a single penny. (see enclosed DVD for the actual copy of the "Bill" the Claimants provided the Court with).

2. His Honour Judge Griggs (retired) made several Orders that defy common sense and in any case we believe were unlawful because Orders made by a Judge of his seniority have to be appealed to the Court of Appeal and the Court of Appeal confirmed in their 23rd December 2009 letter (enc) they have no Jurisdiction regarding an Order made within the Detailed Assessment of Costs process such as all His Honour Judge Griggs' Orders in this case have been.
3. In her 5th February 2010 letter Mrs N. Deery, a Court manager at Exeter Court, said that a Judge said "*the consequence of the order of His Honour Judge Griggs on 14 July 2009 was that unless and until Mr and/or Mrs Layte successfully appeal that order, any consequential directions relating to the costs bills must fall*".

As I see it the only thing that stands between us and our costs + interest being paid is Mrs Deery's statement which put another way is "*That unless we successfully appeal an Order (That cannot be appealed) the Order awarding us costs is modified to an Order awarding us costs of £0*". As far as I know not even a Judge can overrule or modify a previous Order let alone a Court Official.

The Judge who Mrs Deery said made this statement was the late Judge Wainwright. We have asked the Court to provide proof that Judge Wainwright made this statement but none has been provided. See enclosed 27 April 2010 letter and 17 June 2011 email /fax for two of many requests that the Court provide proof that Judge Wainwright's "direction" existed in reality.

- Was Mrs Deery telling the truth?
- Did Judge Wainwright make the statement that Mrs Deery says she made?

I can't see it makes much difference.

- If Mrs Deery was telling the truth then Judge Wainwright's knowledge of Court procedures was flawed and the reason our costs have not been paid is because of her lack of knowledge of the Destination of Appeals Order 2000 and the role of the Court of Appeal.
- If Mrs Deery was not telling the truth then the reason our costs have not been paid is because of this lie.

Either way.

- Will the Court provide good reason as to why the fraudulently set aside 2nd April 2007 Default costs Certificates for £247,468 + interest to 10th September 2007 should not be irrevocably reinstated.
- Will the Court provide good reason as to why the Court should not pay the £158,800 (approx) interest accrued on our costs since Judge Wainwright's 10th September 2007 Order relieving the Claimants from the need to dispute our Bills until the Court certify them as compliant (which they already were).

We believe we have complied with all Orders and all Court procedures throughout this case and within the Detailed Assessment of Costs process that followed it. If anybody thinks otherwise then explain precisely which Order or procedure we have not complied with and provide proof.

We believe that in preparing our Bills of Costs we followed all the rules as detailed in the Costs Practice Direction Part 43 to the best of our ability and the fact that the Court (finally) certified them as compliant is undeniable.

Mr Jonathon Djanogly, (former) Under Secretary of State for Justice, states in his 30th November 2011 letter (enc) that the reason the Default Costs Certificates were “revoked” was because we had failed to comply with Judge Wainwright’s 10th September 2007 Order. It is undeniable that we complied with this Order both *before* it was made and again, at the Court’s direction, *after* it was made. Will the Court please reveal the name of the person responsible for misinforming Mr Djanogly.

Yours faithfully

COPY

JH Layte

Encs

[2nd December 2013 email to Elaine Graham](#)

[10th \(Drawn 12th\) September 2007 Order Judge Wainwright](#)

[23rd December 2009 letter from Court of Appeal](#)

[27th April 2010 letter to N.Deery \(Exeter Court manager\)](#)

[17th June 2011 email to Exeter Court + others](#)

[17th June 2011 fax to D.Cameron](#)

[30th November 2011 letter From J.Djanogly](#)

December 2013 DVD (An on-line copy of the DVD posted can be viewed [HERE](#))

CC David Cameron, PM

Sarah Newton, MP

Shaun Sawyer, Chief Constable Devon and Cornwall Constabulary