



Cornwall TR1 2PB

DX DX 135396 Truro 2

T TEL. 01872 267460  
F FAX. 01872 222348  
Minicom VII 0191 4781476  
(Helpline for the deaf and hard of hearing)

[www.hmcourts-service.gov.uk](http://www.hmcourts-service.gov.uk)

John Howard Layte  
Winter Cottages  
Goongumpas  
Redruth  
Cornwall  
TR16 5JL

Our ref:

Your ref:

8 May 2008

Dear Sir,

**Re: David John & Annette Arthur -v- John Howard Layte**  
**Case No.: PZ200604**

Your letter has been placed before District Judge Middleton who has asked that a copy of it and of this response is also sent to the Claimant.

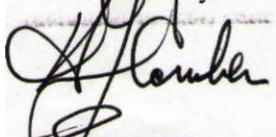
The response is as follows:

" As a general point the Court cannot advise and does not dispose of matters by entering into correspondence. However the Defendant should note some general points:

- 1) District Judge Middleton has no power/jurisdiction to revisit earlier orders made.
- 2) The detailed assessment of costs process is precisely that - it is NOT a forum within which to bring a damages claim. The bill should not contain anything other than costs. To that extent the attempt to incorporate a damages claim is a procedural abuse. That should not appear in the bill.
- 3) The bill served (and indeed filed) should be a complete one. It is not for the Claimant, nor for the Court to remove and insert pages. The Defendants must ensure that they serve and file a full copy of the bill.
- 4) The Defendant is reminded that the procedure in respect of timing of points of dispute (and default certificate in the event of non-compliance) has been varied by previous orders of District Judge Wainwright.

District Judge Middleton will only consider the format of the bill/s as and when complete copies are filed."

Yours faithfully



Mr H J Comben  
Courts Section

Tel: 01872 267460  
c. D J & A Arthur