

Proctor and Anderson
1 The Churchyard, London EC1 4PP

Candidate

From: Partner
Sent: 10 September 2011
To: Candidate
Subject: Pennyfarthing Toys Limited

As you are aware, we are instructed by Pennyfarthing Toys Limited in respect of their dispute with Dolly Dares Limited ("Dolly Dares"), a doll manufacturer. Dolly Dares has issued proceedings against our client and I attach a copy of the Particulars of Claim for your review.

As you will see, the claim is for the sum of £16,000 plus interest for a shipment of dolls that Dolly Dares delivered to our client in April 2011. Our instructions so far are that James Axe of our client put in an order for the 800 "Eliza" Dolls (the "Dolls") by telephone to Louise Dorrington of the Claimant on 7 March 2011. We are further instructed that the Dolls reached our client on 26 April 2011 but that each of the dolls was crushed beyond repair and not of satisfactory quality. Accordingly our client refused to take delivery of the Dolls and they were returned to Dolly Dares. On the basis that the original shipment contained faulty Dolls and no replacements have been received by our client, our client has refused to pay the sum claimed under the invoice sent to it by the Claimant (invoice no H948).

I am attending the client's offices this afternoon to discuss the case and take further instructions. In the meantime could you please prepare a first draft of the Defence.

IN THE NORTHAMPTON COUNTY COURT

CLAIM NO: NC9834

BETWEEN

DOLLY DARES LIMITED

Claimant

and

PENNYFARTHING TOYS LIMITED

Defendant

PARTICULARS OF CLAIM

1. Pursuant to an oral contract (the "Contract") made by telephone on 7 March 2011 between Louise Dorrington of the Claimant and James Axe of the Defendant, 800 "Eliza" dolls were sold and delivered by the Claimant to the Defendant at the Defendant's request on 26 April 2011.

Particulars

Invoice No	Date	Total
H948	26 April 2011	£16,000

2. In breach of the Contract, the Defendant has failed to pay the sum of £16,000 due under invoice H948.
3. In addition the Claimant is entitled to and claims interest on the sum of £16,000 under the Late Payment of Commercial Debts (Interest) Act from 30 days from the date of the invoice until the date of issue of the claim form at the rate of 8% per annum above the dealing rate of the Bank of England (0.5%) in the total sum of £383.16¹
4. In addition the Claimant claims interest as above from the date of issue of the claim form until judgment or earlier payment at a daily rate of £3.72².

¹ Note to candidates: You should assume that this figure is correct

² Note to candidates: You should assume that this figure is correct

AND the Claimant claims:

1. The sum of £16,000
2. Interest under statute to the date of issue of the claim in the sum of £383.16
3. Further interest at a daily rate of £3.72

Signed: The Law Partnership

Dated : 6 September 2011

Statement of Truth

The Claimant believes that the facts stated in these Particulars of Claim are true.

I am duly authorised by the Claimant to sign this statement.

Louise Dorrington

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Louise Dorrington

The Law Partnership
22 Chancery Lane
London EC1N 2JT
Solicitors for the Claimant