

{INCLUDETEXT

"C:\\Users\\rebecca\\AppData\\Local\\Packages\\PraccticeLimited.OspreyApproachSupervisor
App_expxx2x1s6rv4\\LocalState\\OspreyDocuments\\f5f75e58-0205-436c-a714-
a5894792b9ae\\header.doc"}

Our Ref: { MERGEFIELD MATTER_FEE_EARNER_ID }/{ MERGEFIELD
client_no }/{ MERGEFIELD matter_no }

Your Ref:

{ SET LETTER{ DATE \@ "d MMMM yyyy" } }{ref LETTER \@ "d MMMM yyyy" *
MERGEFORMAT }

{ IF { MERGEFIELD TK_PIDEF1DETAIL_tkDEF1CONAME } = "" "{ MERGEFIELD
TK_PIDEF1DETAIL_tkDEF1TITLE } { MERGEFIELD TK_PIDEF1DETAIL_tkDEF1FORENAME
} { MERGEFIELD TK_PIDEF1DETAIL_tkDEF1SURNAME }" "{ MERGEFIELD
TK_PIDEF1DETAIL_tkDEF1CONAME }"
{ MERGEFIELD TK_PIDEF1DETAIL_tkDEF1ADDRESS }

Dear { IF { MERGEFIELD TK_PIDEF1DETAIL_tkDEF1CONAME } = "" "{ MERGEFIELD
TK_PIDEF1DETAIL_tkDEF1TITLE } { MERGEFIELD TK_PIDEF1DETAIL_tkDEF1SURNAME
}" "Sir or Madam"

Our Client: { MERGEFIELD LINKNAME_FORENAME_1 } {
MERGEFIELD LINKNAME_SURNAME_1 }

Accident Date: { MERGEFIELD
TK_ACCDETS_tkACCDATE\@"d"*Ordinal } {
MERGEFIELD TK_ACCDETS_tkACCDATE\@"MMMM
yyyy" }

Accident Location: { MERGEFIELD TK_ACCDETS_tkACCLCATION }

We are instructed by our above named client to claim damages in connection with personal injuries and other losses caused as a result of your { IF { MERGEFIELD TK_PIDEF1DETAIL_tkDEF1CONAME } <> "" "employee's " "" } negligence{ ASK AskStatutory "Is there a breach of Statutory duty?" \d "Y/N - delete as appropriate" }{ IF AskStatutory = "Y" " and/or breach of statutory duty" "" }.

Please confirm the name, address, and telephone number of your insurers. If possible please let us have your insurance policy number. Please note that your insurers will need to see this letter as soon as possible and it may affect your insurance cover and/or the conduct of any legal proceedings if you do not send this letter to them.

The accident circumstances are:

*
*

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a5894792b9ae\\footer.doc"}

*

The reason why we are alleging fault is:

{ IF { MERGEFIELD TK_ACCDETS_TKRTA_TYPE } = "1 Rear End Shunt" "You/your driver failed to observe or heed the presence of our client's vehicle;

You/your driver failed to brake at a safe stopping speed;

You/your driver failed to keep any or any proper look out;

You/your driver failed adequately or at all in time or at all to see, heed or act upon the presence or position of our client's vehicle;

You/your driver failed to brake at a safe stopping distance behind our client's vehicle;

You/your driver failed to exercise due care and attention;

You/your driver failed to drive your vehicle in a safe manner;

You/your driver failed to stop, to slow down, to swerve or otherwise so to manage or control your vehicle as to avoid the aforesaid collision." "" }{ IF { MERGEFIELD TK_ACCDETS_TKRTA_TYPE } = "2 Speeding/Hit and Run" "You drove too fast in all of the circumstances;

You negligently and dangerously exceeded the speed limit along the carriageway;

You failed to apply your brakes in time or at all;" "" }{ IF { MERGEFIELD TK_ACCDETS_TKRTA_TYPE } = "3 Pedestrian/Cyclist" "You/your driver failed to observe or heed the presence of our client;

You/your driver failed to keep any or any proper look out;

You/your driver failed to stop, to slow down, to swerve or otherwise so to manage or control your vehicle as to avoid the aforesaid collision;" "" }{ IF { MERGEFIELD TK_ACCDETS_TKRTA_TYPE } = "4 Drunk Driver " "You/your driver drove a vehicle illegally whilst under the influence of alcohol;

You/your driver failed to stop your vehicle at the request of the police." "" }{ IF { MERGEFIELD TK_ACCDETS_TKRTA_TYPE } = "5 Failure to Give Way" "You/your driver performed a dangerous manoeuvre;

You/your driver failed to exercise due care and attention;

You/your driver failed to drive your vehicle in a safe manner;

You/your driver failed to give way to an oncoming vehicle;

You/your driver failed to give way to our client who had right of way." "" }{ IF { MERGEFIELD TK_ACCDETS_TKRTA_TYPE } = "6 Potholes" "You were negligent and or in breach of your statutory duty to maintain the * highway in a reasonably safe condition; the facts of the

accident are evidence of negligence." "" }{ IF { MERGEFIELD TK_ACCDETS_TKRTA_TYPE } = "7 Learner Driver " "You failed to exercise proper supervision over the learner driver;

You were not a registered driving instructor;

You failed to observe or heed the presence of our client or to instruct the learner driver to observe or heed the presence of our client;

You failed to brake at a safe stopping speed or to instruct the learner driver to brake at a safe stopping speed;

You failed to keep any or any proper look out whilst teaching a learner driver;

You failed to instruct the learner driver to keep any or any proper look out;

You failed adequately or at all in time or at all to see, heed or act upon the presence or position of our client or to instruct the learner driver to see, heed or act upon the presence or position of our client;

You failed to apply the brakes in time or at all or to instruct the learner driver to apply the brakes in time or at all;

You failed to stop, to slow down, to swerve or otherwise so to manage or control your vehicle as to avoid the aforesaid collision or to instruct the learner driver to stop, to slow down, to swerve or otherwise so to manage or control your vehicle as to avoid the aforesaid collision;

You failed to exercise due care and attention or to instruct the learner driver to exercise due care and attention." "" }{ IF { MERGEFIELD TK_ACCDETS_TKRTA_TYPE } = "8 Bus" "Your driver changed lanes from the bus lane onto the middle lane of the carriageway;

Your driver failed to keep any or any or any proper lookout;

Your driver drove too fast in all the circumstances;

Your driver failed to give any or any sufficient warning of his/her approach;

Your driver failed to wait until the bus lane and/or carriageway on * was clear of obstruction and duly proceeding along the bus lane and/or carriageway when it was clear and safe to do so;

Your driver failed to see the Claimant's vehicle in time or at all;

Your driver collided with the Claimant's vehicle;

Your driver failed to steer or control the bus or to apply his/her brakes adequately or at all so as to avoid colliding with the Claimant's vehicle;

Your driver failed to take any or any adequate care for the safety of the Claimant;

in acting or omitting to act as described above, your driver failed to take all precautions to ensure the safety of the Claimant on the vehicle contrary to Regulation 5 of the Regulations;

Your driver failed to so manage or control his/her vehicle so that his/her passengers were safe

therein

Your driver exposed the Claimant to a danger and/or foreseeable risk of injury." "" }

Our client has suffered the following injuries:

{ MERGEFIELD TK_PIINJMEDESETS_TK_INJURIES } { IF { MERGEFIELD TK_PIINJMEDESETS_tkATTENDHOSP } = "Yes" "

and received treatment at { MERGEFIELD TK_PIINJMEDESETS_tkHOSPITAL_name }." ". }

This information is intended only to identify the main points of the incident and injuries sustained, and should not be considered as exhaustive.

{ IF { MERGEFIELD TK_ACCDESETS_tkACCTYPE } <> "Employers Liability" "As a result of the accident our client has had time off work. The dates of absence are as follows:

From To

Our client's approximate weekly earnings are £{ MERGEFIELD TK_PISPECDAM_tkWEEKLYSALRY }.
" "

As you are our client's employer, please provide us with the following information, together with relevant documentation where appropriate:

1. The dates of our client's absence from work.
2. Details of our client's gross and net earnings for a period of 13 weeks prior to the accident.
3. Details of our client's gross and net earnings and for the whole period of absence from work."
}

Our client's financial losses are:

{ IF { MERGEFIELD TK_PISPECDAM_tkTRAVEXP }= "" " "	{ IF { MERGEFIELD
"Travel Expenses	TK_PISPECDAM_tkTR
" } { IF { MERGEFIELD TK_PISPECDAM_tkTELCOSTS }= "" ""	AVEXP }= "" " " "£{
"Telephone Costs	MERGEFIELD
" } { IF { MERGEFIELD "TK_PISPECDAM_tkPOLEXCESS" }= ""	TK_PISPECDAM_tkTR
"" "Policy Excess	AVEXP }
" } { IF { MERGEFIELD "TK_PISPECDAM_tkCARHIRE" }= "" ""	" } { IF { MERGEFIELD
"Car Hire	TK_PISPECDAM_tkTEL
" } { IF { MERGEFIELD "TK_PISPECDAM_tkCARREPAIR" }= "" ""	COSTS }= "" "" "£{
"Car Repair	MERGEFIELD
" } { IF { MERGEFIELD "TK_PISPECDAM_tkCARSTORRECOV"	TK_PISPECDAM_tkTEL
}= "" "" "Car Storage	COSTS }
" } { IF { MERGEFIELD "TK_PISPECDAM_tkOTHERLOSS1" }= ""	" } { IF { MERGEFIELD
"" "{ MERGEFIELD TK_PISPECDAM_TKOTHLOSS1_DES }	"TK_PISPECDAM_tkPO

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" }{ IF { MERGEFIELD "TK_PISPECDAM_tkOTHERLOSS2" }= "" LEXCESS" }= "" "" "£{
"" "{ MERGEFIELD TK_PISPECDAM_TKOTHLOSS2_DES } MERGEFIELD
" }{ IF { MERGEFIELD "TK_PISPECDAM_tkOTHERLOSS3" }= "" "TK_PISPECDAM_tkPO
"" "{ MERGEFIELD TK_PISPECDAM_TKOTHLOSS3_DES } LEXCESS" }
" }{ IF { MERGEFIELD "TK_PISPECDAM_tkOTHERLOSS4" }= "" " }{ IF { MERGEFIELD
"" "{ MERGEFIELD TK_PISPECDAM_TKOTHLOSS4_DES }" } "TK_PISPECDAM_tkCA
RHIRE" }= "" "" "£{
MERGEFIELD
"TK_PISPECDAM_tkCA
RHIRE" }
" }{ IF { MERGEFIELD
"TK_PISPECDAM_tkCA
RREPAIR" }= "" "" "£{
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" }{ IF { MERGEFIELD
"TK_PISPECDAM_tkCA
RSTORRECOV" }= "" ""
"£{ MERGEFIELD
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" }{ IF { MERGEFIELD
"TK_PISPECDAM_tkOT
HERLOSS3" }= "" "" "£{
MERGEFIELD
"TK_PISPECDAM_tkOT
HERLOSS3" }
" }{ IF { MERGEFIELD
"TK_PISPECDAM_tkOT
HERLOSS4" }= "" "" "£{
MERGEFIELD
"TK_PISPECDAM_tkOT
HERLOSS4" }" }

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EDIT TABLE ABOVE AS APPROPRIATE

At this stage of our enquiries we believe that only the documents set out in the Standard Disclosure List are relevant to this action. { ASK AskProtocol * Upper "Are there specific protocol documents to be inserted? Y/N" \d "Y/N - delete as appropriate" }{ IF AskProtocol = "Y"

"We attach our request for documents pursuant to the Personal Injury pre-action Protocol with this letter." "" }{ IF { MERGEFIELD client_no } <> "" "

We have also sent a letter of claim to { MERGEFIELD TK_PIDEF2DETAIL_tkDEF2CONAME }{ IF { MERGEFIELD TK_PIDEF2DETAIL_tkDEF2INSURED } = "Yes" " whose insurers are, we understand:

{ MERGEFIELD TK_PIDEF2DETAIL_tkDEF2INSURER_name }
{ MERGEFIELD TK_PIDEF2DETAIL_tkDEF2INSURER_address }" " for whom we do not currently have insurance details." }" "{ IF { MERGEFIELD client_no } <> "" "

We have also sent a letter of claim to { MERGEFIELD TK_PIDEF2DETAIL_tkDEF2TITLE } { MERGEFIELD TK_PIDEF2DETAIL_tkDEF2FORENAME } { MERGEFIELD TK_PIDEF2DETAIL_tkDEF2SURNAME } { IF { MERGEFIELD TK_PIDEF2DETAIL_tkDEF2INSURED } = "Yes" " whose insurers are, we understand:

{ MERGEFIELD TK_PIDEF2DETAIL_tkDEF2INSURER_name }
{ MERGEFIELD TK_PIDEF2DETAIL_tkDEF2INSURER_address }" " for whom we do not currently have insurance details." }" "" }{ IF { MERGEFIELD client_no } = "CFA" "

Finally, we can confirm that we have entered into a conditional fee agreement with our client backed by an insurance certificate for legal costs and expenses. { IF { MERGEFIELD TK_PICLIINSDETS_TK_BTEATEINS } = "ATE" " Please be advised that our client has the benefit of ATE insurance with { MERGEFIELD "TK_PICLIINSDETS_tkLEXPINSURE_name" } which was incepted on { ASK Inception "Enter Insurance Inception Date:" }{ref Inception}. This policy of insurance relates to the above { ASK Identify "Identify the claims to which the policy relates including any Part 20 claims:" }{ref Identify} and provides for cover up to { ASK Cover "State the level of insurance cover:" \d "£" }{ref Cover}. The insurance premium is staged and increases on the issuing of proceedings." "" }" "" }

A copy of this letter is attached for you to send to your insurers.

We expect an acknowledgement of this letter within 21 days by you or your insurers.

Yours faithfully

{ MERGEFIELD PRACTICEINFO_PRACTICE_NAME*UPPER }

Encs

{ IF { MERGEFIELD TK_ACCDETS_tkACCTYPE } = "RTA" "

RTA CASES - REQUESTED DISCLOSURE

SECTION A

In all cases where liability is at issue –

- (i) Documents identifying nature, extent and location of damage to defendant's vehicle where there is any dispute about point of impact.
- (ii) MOT certificate where relevant.
- (iii) Maintenance records where vehicle defect is alleged or it is alleged by defendant that there was an unforeseen defect which caused or contributed to the accident.

SECTION B

Accident involving commercial vehicle as potential defendant –

- (i) Tachograph charts or entry from individual control book.
- (ii) Maintenance and repair records required for operators' licence where vehicle defect is alleged or it is alleged by defendants that there was an unforeseen defect which caused or contributed to the accident.

SECTION C

Cases against local authorities where highway design defect is alleged.

- (i) Documents produced to comply with Section 39 of the Road Traffic Act 1988 in respect of the duty designed to promote road safety to include studies into road accidents in the relevant area and documents relating to measures recommended to prevent accidents in the relevant area.

" "" }

{ IF { MERGEFIELD TK_ACCDETS_tkACCTYPE } = "Trip/slip" }

HIGHWAY TRIPPING CLAIMS - REQUESTED DISCLOSURE

Documents from Highway Authority for a period of 12 months prior to the accident –

- (i) Records of inspection for the relevant stretch of highway.
- (ii) Maintenance records including records of independent contractors working in relevant area.
- (iii) Records of the minutes of Highway Authority meetings where maintenance or repair policy has been discussed or decided.
- (iv) Records of complaints about the state of highways.
- (v) Records of other accidents which have occurred on the relevant stretch of highway.

" "" }

{ IF { MERGEFIELD TK_ACCDETS_tkACCTYPE } = "Occupiers Liability" "

OCCUPIERS LIABILITY – REQUESTED DISCLOSURE

- (i) Accident book entry for our client and any other relevant entries of a similar nature 12 months prior to the accident;
- (ii) Any closed circuit television footage;
- (iii) First aider report;
- (iv) Safety representative's accident report;
- (v) Documents listed above relative to any previous accident/matter identified by the claimant and relied upon as proof of negligence;
- (vi) Maintenance, inspection and cleaning records/rotas for the area in question for 12 months prior to the accident;
- (vii) Any relevant risk assessments in relation to the area in question;
- (viii) Any training records for those employed at the time and the claimants accident
" "" }
{ IF { MERGEFIELD TK_ACCDETS_tkACCTYPE } = "Employers Liability" "

WORKPLACE CLAIMS - REQUESTED DISCLOSURE

Accident book entry.
First aider report.
Surgery record.
Foreman/supervisor accident report.
Safety representatives accident report.
RIDDOR report to HSE.
Other communications between defendants and HSE.
Minutes of Health and Safety Committee meeting(s) where accident/matter considered.
Report to DSS.
Documents listed above relative to any previous accident/matter identified by the claimant and relied upon as proof of negligence.
Earnings information where defendant is employer.

Documents produced to comply with requirements of the Management of Health and Safety at Work Regulations 1992 –

12. Pre-accident Risk Assessment required by Regulation 3.
13. Post-accident Re-Assessment required by Regulation 3.
14. Accident Investigation Report prepared in implementing the requirements of Regulations 4, 6 and 9.
15. Health Surveillance Records in appropriate cases required by Regulation 5.
16. Information provided to employees under Regulation 8.
17. Documents relating to the employees health and safety training required by Regulation 11.

SECTION A – WORKPLACE (HEALTH SAFETY AND WELFARE) REGULATIONS 1992

- (i) Repair and maintenance records required by Regulation 5.
- (ii) Housekeeping records to comply with the requirements of Regulation 9.
- (iii) Hazard warning signs or notices to comply with Regulation 17 (Traffic Routes).

SECTION B – PROVISION AND USE OF WORK EQUIPMENT REGULATIONS 1992

- (i) Manufacturers' specifications and instructions in respect of relevant work equipment establishing its suitability to comply with Regulation 5.
- (ii) Maintenance log/maintenance records required to comply with Regulation 6.
- (iii) Documents providing information and instructions to employees to comply with Regulation 8.
- (iv) Documents provided to the employee in respect of training for use to comply with Regulation 9.
- (v) Any notice, sign or document relied upon as a defence to alleged breaches of Regulations 14 to 18 dealing with controls and control systems.
- (vi) Instruction/training documents issued to comply with the requirements of Regulation 22 insofar as it deals with maintenance operations where the machinery is not shut down.
- (vii) Copies of markings required to comply with Regulation 23.

(viii) Copies of warnings required to comply with Regulation 24.

SECTION C – PERSONAL PROTECTIVE EQUIPMENT AT WORK REGULATIONS 1992

- (i) Documents relating to the assessment of the Personal Protective Equipment to comply with Regulation 6.
- (ii) Documents relating to the maintenance and replacement of Personal Protective Equipment to comply with Regulation 7.
- (iii) Record of maintenance procedures for Personal Protective Equipment to comply with Regulation 7.
- (iv) Records of tests and examinations of Personal Protective Equipment to comply with Regulation 7.
- (v) Documents providing information, instruction and training in relation to the Personal Protective Equipment to comply with Regulation 9.
- (vi) Instructions for use of Personal Protective Equipment to include the manufacturers' instructions to comply with Regulation 10.

SECTION D – MANUAL HANDLING OPERATIONS REGULATIONS 1992

- (i) Manual Handling Risk Assessment carried out to comply with the requirements of Regulation 4(1)(b)(i).
- (ii) Re-assessment carried out post-accident to comply with requirements of Regulation 4(1)(b)(i).
- (iii) Documents showing the information provided to the employee to give general indications related to the load and precise indications on the weight of the load and the heaviest side of the load if the centre of gravity was not positioned centrally to comply with Regulation 4(1)(b)(iii).
- (iv) Documents relating to training in respect of manual handling operations and training records.

SECTION E – HEALTH AND SAFETY (DISPLAY SCREEN EQUIPMENT) REGULATIONS 1992

- (i) Analysis of work stations to assess and reduce risks carried out to comply with the requirements of Regulation 2.
- (ii) Re-assessment of analysis of work stations to assess and reduce risks following development of symptoms by the claimant.
- (iii) Documents detailing the provision of training including training records to comply with the requirements of Regulation 6.
- (iv) Documents providing information to employees to comply with the requirements of Regulation 7.

SECTION F – CONTROL OF SUBSTANCES HAZARDOUS TO HEALTH REGULATIONS 1988

- (i) Risk assessment carried out to comply with the requirements of Regulation 6.
- (ii) Reviewed risk assessment carried out to comply with the requirements of Regulation 6.
- (iii) Copy labels from containers used for storage handling and disposal of carcinogenics to comply with the requirements of Regulation 7(2A)(h).
- (iv) Warning signs identifying designation of areas and installations which may be contaminated by carcinogenics to comply with the requirements of Regulation 7(2A)(h).
- (v) Documents relating to the assessment of the Personal Protective Equipment to comply with Regulation 7(3A).
- (vi) Documents relating to the maintenance and replacement of Personal Protective Equipment to comply with Regulation 7(3A).
- (vii) Record of maintenance procedures for Personal Protective Equipment to comply with Regulation 7(3A).
- (viii) Records of tests and examinations of Personal Protective Equipment to comply with Regulation 7(3A).
- (ix) Documents providing information, instruction and training in relation to the Personal Protective Equipment to comply with Regulation 7(3A).
- (x) Instructions for use of Personal Protective Equipment to include the manufacturers' instructions to comply with Regulation 7(3A).
- (xi) Air monitoring records for substances assigned a maximum exposure limit or occupational exposure standard to comply with the requirements of Regulation 7.
- (xii) Maintenance examination and test of control measures records to comply with Regulation 9.
- (xiii) Monitoring records to comply with the requirements of Regulation 10.
- (xiv) Health surveillance records to comply with the requirements of Regulation 11.
- (xv) Documents detailing information, instruction and training including training records for employees to comply with the requirements of Regulation 12.
- (xvi) Labels and Health and Safety data sheets supplied to the employers to comply with the CHIP Regulations.

SECTION G – CONSTRUCTION (DESIGN AND MANAGEMENT) REGULATIONS 1994

- (i) Notification of a project form (HSE F10) to comply with the requirements of Regulation 7.
- (ii) Health and Safety Plan to comply with requirements of Regulation 15.
- (iii) Health and Safety file to comply with the requirements of Regulations 12 and 14.
- (iv) Information and training records provided to comply with the requirements of Regulation 17.
- (v) Records of advice from and views of persons at work to comply with the requirements of Regulation 18.

SECTION H – PRESSURE SYSTEMS AND TRANSPORTABLE GAS CONTAINERS REGULATIONS 1989

- (i) Information and specimen markings provided to comply with the requirements of Regulation 5.
- (ii) Written statements specifying the safe operating limits of a system to comply with the requirements of Regulation 7.

- (iii) Copy of the written scheme of examination required to comply with the requirements of Regulation 8.
- (iv) Examination records required to comply with the requirements of Regulation 9.
- (v) Instructions provided for the use of operator to comply with Regulation 11.
- (vi) Records kept to comply with the requirements of Regulation 13.
- (vii) Records kept to comply with the requirements of Regulation 22.

SECTION I – LIFTING PLANT AND EQUIPMENT (RECORDS OF TEST AND EXAMINATION ETC.) REGULATIONS 1992

- (i) Record kept to comply with the requirements of Regulation 6.

SECTION J – THE NOISE AT WORK REGULATIONS 1989

- (i) Any risk assessment records required to comply with the requirements of Regulations 4 and 5.
- (ii) Manufacturers' literature in respect of all ear protection made available to claimant to comply with the requirements of Regulation 8.
- (iii) All documents provided to the employee for the provision of information to comply with Regulation 11.

SECTION K – CONSTRUCTION (HEAD PROTECTION) REGULATIONS 1989

- (i) Pre-accident assessment of head protection required to comply with Regulation 3(4).
- (ii) Post-accident re-assessment required to comply with Regulation 3(5).

SECTION L – THE CONSTRUCTION (GENERAL PROVISIONS) REGULATIONS 1961

- (i) Report prepared following inspections and examinations of excavations etc. to comply with the requirements of Regulation 9.
- (ii) Report prepared following inspections and examinations of work in cofferdams and caissons to comply with the requirements of Regulations 17 and 18.

N.B. Further Standard Discovery lists will be required prior to full implementation." "" }