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Date : 11 March 2008

To: District Judge Gamba/
The Court Manager
Brighton County Court
William Street
Brighton
BN2 0RF

BY HAND

Dear Sirs

Brighton County Court: Claim no. 7BN01851
Colin Bruce Bennett v Brighton and Sussex University Hospital NHS Trust

Thank you for your letter dated 6 March 2008 which contained the Order dated 15 February 2008 by District Judge Order.

I think it would be useful to the Court if I explained my situation. I am eager for the Trust to improve its provisions for hearing-impaired people. I made this Claim under the DDA because of my frustration over many years in not being able, as I see it, to get the Trust to abide by its legal duties. As you can see, this matter has been in the Court system for many months. Appearing in the Court in a DDA matter (as opposed to a personal one) does not involve undue stress to me but all the paperwork has consumed a lot of time and not a little money. I have been seeking to get the Trust to talk to me with a view to settling the issue "out of Court" but from my point of view they will not do this in a meaningful way but rather prefer to "wriggle on the hook".

Your records will show that I have made other Claims in Brighton County Court under the DDA and the outcomes have been satisfactory to me. At my first hearing, the District Judge (I think it was District Judge Merrick) wondered aloud whether he would be able to make an Order instructing Brighton and Hove City Council to change their practices in line with my request. He pointed out that usually the main point of a Claim was to obtain money as a remedy for perceived injury. I think I was able, partly by way of improved paperwork on my side, to convince the Court that I could achieve such an outcome. I think that DDA cases in County Courts are relatively rare and that in those cases the Claimant is mainly seeking a money award rather than a change in the Defendants practices. In the event, the case was settled by way of a Tomlin Order which gave me the improvements I wanted. However, this whole business took four hearings and a lot of my time and money, not to mention that of the Council Taxpayer.

In this current case against the Trust, I have bent over backwards to avoid hearings and I do seek some comfort from the dilatoriness of the Trust in responding to the Court. It might be that they are contemplating talking to me seriously rather than insulting me. These insults are not major but they include such absurdities as claiming that I do not know how to use the "T" settings on my hearing aids.

I have made a "booking" to have a telephone discussion on 13 March 2008 with Dr Glynn Jones, Chairman of the Trust. I do know him and I am hopeful that he will be able to bang some heads together. I cannot see that this approach to the Chairman breaches any legal rules and no doubt Dr Jones will tell me if that is the case.

I telephoned the Court this morning to tell the young woman who answered that I had received your letter. I also asked when any Court hearing would be likely to be held. It appears that it would be mid-May at the earliest. I have some appointments at the beginning of May but no important ones in the rest of that month. I will not be available from 9-13 April inclusive and 23 April to 4 May inclusive.



I have copied this letter to Mrs M Stone of the Trust.

Yours sincerely

Colin B Bennett



Copy: Mrs M Stone, BSUH Trust