

NIHL Letter of Response
(see the Pre-Action Protocol for Disease and Illness Claims, Annex E, appendix 1)

Claimant ref:

Insurer ref:

Exception to FRC	Please tick the box that applies
Own expert evidence	
De-Minimis defence	
Four defendants or more	
Test case	

If own medical evidence requested please provide detailed reasons as to why requested below including details of Audiologist / Expert to be instructed:

1. Offer

- a) The Claimant's Part 36 offer is accepted;
- b) The Defendants Part 36 offer in the sum of £
- c) Settlement cannot be agreed at this stage. Please set out reasons as why settlement cannot be agreed:

2. Apportionment Schedule

	Insurer	Policy number	Dates on cover	Coordinator*	Holtby discount	FSCS interest %
D1						
D2						
D3						

Are all defendants within the IDCWP?	Who will coordinate together with contact details of Insurer / Solicitor?

*Identify the Handling insurer (H) for each Defendant, and the overall Coordinating insurer (C)

3. Liability

	Admitted	Neither admitted / denied	Denied*
Breach			
Causation			
Limitation			

4. Breach:

Where Breach cannot be admitted, details of Allegations which are denied must be provided together with any supporting documentation:

Allegation	Admitted	Neither admitted / denied	Explanation	Denied*	Explanation

- For each allegation denied supporting documentation must be provided.
- How many lay witnesses do you seek to rely upon:

5. Disclosure:

- Itemised list of relevant documents attached: Y/N , if N please provide an explanation:
- Provide details the searches carried out to locate all relevant disclosure:

- Confirm any ongoing searches and a deadline for when these are to be concluded:

Search	Deadline

- Have all documents that you are required to supply under the pre action protocol being provided: **Y/N**
- Have all documents which adversely affect the Claimant's claim or support the Defendant's claim been provided: **Y/N**
- If the answer to any of the above are N then please provide an explanation below:

6. Limitation:

- Is limitation being raised as a Defence: Y/N
- If Limitation is being raised a Defence then give detailed reasons for this with reference to all relevant disclosure.

7. Other comments