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OUR REF SE/CJ/14317/1
YOUR REF CO/3185/94
DATE 13 February 1995

BY FAX AND POST: 936 6802

Dear Sirs,

**SEGALL -v- THE SECRETARY OF STATE FOR THE ENVIRONMENT and THE
UNITED SYNAGOGUE ERUV COMMITTEE**

We write further to our telephone conversation with Mr Freer of your office.

We have learnt that the substantive issues in the above matter will be heard on 27 June this year and that it has been listed for two days. As you will be aware, there is a preliminary issue which has not been resolved as to whether the Notice of Motion and/or the evidence of Mr Segall was filed within the strict time limits provided by this Court and we understand that the Court has of its own motion decided to examine that matter as a preliminary point. Messrs Sayer Moore, Solicitors for the Applicant have indicated that they would like that preliminary point to be listed at the same time as the substantive issue and by their letter of 30 January have submitted written representations on the question of whether their client's claim is time barred. It has always been our client's position that they would leave the preliminary point to the Court and would not submit representations. If however it was the Court's decision to have the preliminary issue dealt with together with the substantive issues, since our client will be incurring costs at that hearing in any event, it is likely that they would want to be heard on the preliminary issue.

It seems to us that it would be in the interest of saving costs to have the preliminary issue dealt with at a separate hearing; thus if it was the Court's finding that the time limits had not been observed and Mr Segall was out of time, then the costs to prepare for the substantive issue would not be wasted. If however the Court does not take this view we would be grateful to have an extension of time for serving written representations.

...cont/

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We would be most grateful if you would put this letter before a Judge and invite him to make a direction that the preliminary issues should be dealt with on a separate day and in advance of the disposal of the substantive dispute for the reasons given in this letter.

Yours faithfully,

FLADGATE FIELDER

c.c. A J Sandal Esq - The Treasury Solicitor