



Subject: Re: [DPS:4I:51DR001/001:E] 51 Draycott Place, London – Set Aside Application
From: Tarquin Management Ltd <51DP@davylondon.net>
Date: 28/07/2025, 15:05
Attachments:  2025-07-28 Set-aside implications and proposed next steps.pdf (217.71 KB),  2025b-07-28 L10CL472 Draft Consent Order Tarquin.pdf (133.99 KB)
To: Jason Kallis <JKallis@meralibeedle.com>
Cc: Sibel Erdem <sibelerdem@erdemhukuk.com>, 51dp <51dp@davylondon.net>, Jason Kallis <jkallis@meralibeedle.com>, Pinar Erdem <pinarerdem@erdemhukuk.com>, russ_691@hotmail.com, Erdem Bahadır <bahadirerdem@erdemhukuk.com>, John Galani <john@galani.com>, Galani GB Karolina <karolina@galani.com>
Bcc: 51DP@davylondon.net

Dear Jason,

Thank you for confirming that the Claimants now consent to the 12 February 2025 order being set aside.

As you prefer brief correspondence, we set out below the key elements of our position. The full explanation and supporting rationale are provided in the attached letter.

Our application to set aside was simple and was always bound to succeed, as the three requirements of CPR 39.3(5) would be easily fulfilled. You should have realised this as early as our email of 5 March 2025 and consented at that time.

We are therefore entitled to the normal order for costs of the application, we suggest that be summarily assessed at £1,700. Your clients remain liable for the costs of the 12 February hearing, which should never have gone ahead in our absence.

If you wanted to pursue further any of the allegations in your two witness statements, as the factual differences between them are vast and pervasive, the case could never proceed under Part 8. It would have to continue as a Part 7 claim, with the obvious procedural consequences. Otherwise, we expect you to withdraw those allegations ahead of any hearing.

We disagree that it would be feasible or appropriate to turn a 30-minute procedural listing into the substantive hearing of your claim. It would not be sufficient time to address the matters.

The Court of Appeal's decision in /Goldeagle Properties Ltd v Thornbury Court Ltd/ [2008] EWCA Civ 864 makes clear that, in circumstances such as these, the Tribunal retains exclusive jurisdiction. The existing determination only resolved those matters you elected to place before it. Many issues remain not considered and not agreed, including several you acknowledged in your own skeleton argument. That alone is fatal to your present claim and renders it indistinguishable from /Goldeagle/.

We urge you to give serious consideration to withdrawing the claim. It is bound to fail and will serve only to generate further costs and delay. The matter should be returned to the Tribunal, as envisaged by the statutory framework for determining outstanding disputes. At the same time, the parties explore the possibility of a negotiated settlement on some or all of the outstanding issues in the meantime.

Next steps

- We invite you to agree with the summary assessment of our application costs, which is £1,700.
- Your clients should also bear the costs of the hearing on 12 February.
- We will shortly serve a second witness statement from Davy Thielens. A draft has existed for some time, but was held back pending confirmation of meeting arrangements. It will require minor updates before filing.
- We will respond separately to your last email regarding the allegations against Russell.
- We will apply to the Tribunal to lift the stay and progress the remaining three applications and progress other requests already made but never addressed

Unless and until we hear otherwise, we will proceed on the basis that the hearing remains contested and prepare accordingly.

Kind regards,

Davy Thielens

For and on behalf of Tarquin Management

On 18/07/2025 14:44, Jason Kallis wrote:

Dear Sirs

Your Set Aside Application – Agreement to Set Aside

We are of the view that the order of 12 February 2025 should not be set aside, however since you claim not to have notice of the hearing on 12 February 2025, and because the issues to resolve the set aside issue are harder to deal with than dealing with the vesting order itself our clients will agree to set aside the order of 12 February 2025 (for those reasons), on the attached terms.

If you agree to the attached please sign the same in the space provided, and send that part back to us, once we receive your signed part we shall do the same and file it at Court. Please respond by 29 July 2025, as requested, failing which we shall start incurring the cost of preparing a response to your application and related evidence.

Yours faithfully

Merali Beedle

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— Attachments: —	
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