Claim: [claim number]

IN THE HIGH COURT OF JUSTICE

BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES

CHANCERY DIVISION

INTELLECTUAL PROPERTY ENTERPRISE COURT

B E T W E E N

**[Party A]**

Claimant / Applicant

-v-

**[Party B]**

Defendant / Respondent

**SKELETON ARGUMENT OF THE CLAIMANT**

**APPLICATION FOR SUMMARY JUDGMENT**

**HEARING ON [DATE]**

Before [Mr/Mrs Justice [Name]] OR [HHJ HACON]

*Preliminaries*

1. This is the first hearing of an application made under an Application Notice dated [date] of the Claimant, Party A, for summary judgment on the claim for damages in the sum of £10.
2. The issue before the Court is whether the Claimant should be granted summary judgment such that judgment is entered in its favour on the Claim.
3. The causes of action of the claimant are negligent misrepresentation and fraudulent misrepresentation.

*Time Estimate*

1. The Applicant estimates that pre-reading will require [30] minutes and time for the hearing of up to [1] hour.

*Bundles*

1. The Court should have received the Application Bundle lodged by the Claimant, which contains:
	1. Application Notice dated [date] (Tab 1);
	2. Draft Order (Tab 2);
	3. Claim Form (Tab 3);
	4. Particulars of Claim (Tab 4);
	5. Defence (Tab 5);
	6. Reply to Defence (Tab 6);
	7. Response to Request for Further Information and Clarification dated [date] (Tab 7);
	8. Witness Statement of [name] dated [date] (Tab 8);
	9. Exhibit [reference] to the Witness Statement of [name] (Tab 9);
	10. correspondence (Tab 10);
	11. Certificate of service - Application Notice (Tab 11).
2. Tabs in the Hearing Bundle in the format “Tab [Tab Number]/[page number]/[paragraph]” below.
3. Accordingly “**T3/7/8**” is a reference to Tab 3, page 7, paragraph 8. Reference to Tab 3 is referred to as “T3” and tab 3, page 7 is referred to as “T3/7”.

*Pre-reading*

1. The Court is invited to read:
	1. This Skeleton Argument […];
	2. [The Claimant’s Case Summary];
	3. The Claimant’s chronology;
	4. [Witness Statements];
	5. [any other important document].

*The Law*

1. The jurisdiction to grant summary judgment is set out in the CPR 24.2:
*“The court may give summary judgment against a claimant or defendant on the whole of a claim or on a particular issue if –*
*(a) it considers that –* *(i) that claimant has no real prospect of succeeding on the claim or issue; or(ii) that defendant has no real prospect of successfully defending the claim or issue; and*
*(b) there is no other compelling reason why the case or issue should be disposed of at a trial.”*
2. To resist an application for summary judgment, therefore, the Claimant/Respondent must show that there is a real prospect of succeeding on the claim.
3. Numerous authorities have made clear that the Court will not conduct a ‘mini-trial’ at the summary judgment stage (see for example *Swain v Hillman* [2001] 1 All ER 91 per Lord Woolf MR), and the task before the Court is not to weigh up the merits of the parties’ arguments, but rather to assess whether there is an ‘absence of reality’ in the Defendant’s case (per Lord Hobhouse in *Three Rivers DC v Bank of England [No 3]* [2001] 2 All ER 513).

*The Facts*

1. In summary, the Claimant alleges […].
2. The Defendant contends that […].

*Submissions*

1. The claimant says that the case is unwinnable by the defendant on the grounds that:
	1. […];
	2. […];
	3. […].
2. There is plainly no arguable defence to the claim.

*Conclusion*

1. For all these reasons, Summary Judgment should granted to the Claimant on the Claim.

[name of person drafting skeleton argument]

[date]

For the [Claimant | Defendant]