

Stephen Dilley

From: Stephen Dilley
Sent: 14 November 2006 15:41
To: 'M.Turner'; GRO
Subject: RE: Post Office Limited -v- Lee Castleton

Without prejudice

Dear Mr Turner,

Thanks for your email of earlier today with suggested amended wording.

I note that you are seeking formal instructions on the original paragraph 2 and will await your approval of the draft Tomlin order plus the draft wording of the letter Mr Castleton requires hopefully later today and then deal with this in the round.

I look forward to hearing from you.

Yours sincerely,

Stephen Dilley
Solicitor
for and on behalf of Bond Pearce LLP
DDI: GRO
Main office phone: GRO
Fax: GRO
www.bondpearce.com

From: M.Turner; GRO
Sent: 14 November 2006 09:30
To: Stephen Dilley
Subject: RE: Post Office Limited -v- Lee Castleton

Without prejudice

Dear Mr Dilley

Thank you for your e-mail below with draft order.

Whilst I have not yet been able to discuss it with him, I think it almost certain that the form of wording you suggest at paragraph 2 will not be acceptable to my client. I envisage that he would be prepared to provide a letter in the following terms:

"I, Mr Lee Castleton, the former subpostmaster at Marine Drive Post Office, Bridlington, fully and unreservedly withdraw the allegations I have made about the operation of the Horizon system. I undertake not to repeat those allegations and/or make any further allegations about the Horizon system and/or its functioning."

This provides your client with the formal confirmation that it requires.

I will revert to you later today on the form of wording for the reciprocal letter to be provided by your client.

14/11/2006

Regards,

Mark Turner
Solicitor
Commercial Group

Rowe Cohen Solicitors

T: **GRO**
F:

-----Original Message-----

From: Stephen Dilley **GRO**

Sent: 10 November 2006 17:07

To: Mark Turner

Cc: Tom Beezer; alexander.goold **GRO**

Subject: Post Office Limited -v- Lee Castleton

Without prejudice

Dear Mr Turner,

I refer to our telephone conversation this afternoon.

1. I attach a draft consent order for your approval.
2. The wording of the letter from Mr Castleton to the Post Office referred to in paragraph 4 of the Tomlin Order shall read:

"I, Mr Lee Castleton, the former subpostmaster at Marine Drive Post Office, Bridlington, fully and unreservedly withdraw the untrue allegations I have made about the operation of the Horizon system. Previously I thought that losses that arose at the Marine Drive Post Office whilst I was subpostmaster arose due to a malfunction of the Horizon system, but I now accept that I was mistaken and that the losses were caused by human error. I declare that the Horizon system did not cause or contribute to the losses in any way and I formally withdraw all statements I made to the contrary and undertake not to repeat them, and/or make any further allegations about the Horizon system and/or its functioning."

3. I suggest you provide us with a draft form of wording for us to consider for the letter Mr Castleton seeks about no dishonesty allegation being made (as per para 3 of the Schedule to the Order)

4. As discussed:

(a) any settlement is not finalised until agreed in writing in the form of a signed order;

(b) Our Counsel's deemed brief fee will not be incurred on Monday, strictly provided that a final settlement order is agreed within the next few days. However, we have previously agreed with Counsel that if settlement occurs before that time, Counsel will be paid on an hourly basis for preparatory work done so far and any further work. Therefore, it is preferable from a costs point of view if an order is finalised

sooner rather than later; and

(c) We are ready, willing and able to exchange witness statements but given the parties are now focusing on settlement, do not propose to send them to you today.

I look forward to hearing from you as soon as possible.

Stephen Dilley
Solicitor
for and on behalf of Bond Pearce LLP

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