

8 January 2007

By: **GRO** & Post

PRIVATE AND CONFIDENTIAL

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Our ref:
SJD3/KAK2/348035.134
Your ref:

Dear Sir

Post Office Limited v Yourself
Claim number HQ05X02706

Thank you for your letter dated 5 January 2007 and received today.

We do not accept that the Tivoli log contradicts Mrs Simpson's evidence with respect to her actions on 1 April 2004, or that even if it does, this has "a serious impact on the integrity of the system and the balances" (or indeed any impact at all). It is irrelevant to the outcome of this case and in any event, you were suspended on 23 March 2004.

Similarly, Mrs Chambers previously stated in evidence that when she examined the Tivoli Event log at the time she saw "nothing out of the ordinary, only the event that gave rise to the one thing that is irrelevant". We therefore doubt that you can really raise any new relevant points with her.

It is not even clear that the Tivoli Log falls within the category of documents that should be disclosed pursuant to CPR 31.6. In the circumstances, we remain concerned about the cost, proportionality and relevance of recalling witnesses that have already been released. However, we have spoken to both Mrs Simpson and Ms Chambers who state that they would be willing to attend Court on 11 January 2007. Accordingly, we will ask them to be there and we will not oppose your application, provided that if the judge gives permission for them to be cross examined again:

- (a) you complete their cross examination on the day; and
- (b) the costs of your application should be in the case.

Please confirm that you agree to points (a) and (b) above.

We are copying this fax to the Court and look forward to hearing from you as soon as possible.

Yours faithfully

Bond Pearce LLP

Cc Sarah Landau, Clerk to HHJ Havery QC