

4 January 2007

PRIVATE AND CONFIDENTIAL

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Our ref:
SJD3/FAC1/348035.134
Your ref:

Dear Sir

Post Office Limited v Yourself

We refer to our letter dated 3 January 2007 and to your telephone conversation with our Mr Dilley of this morning.

You have now stated that your application is to resume the hearing because you wish to cross examine Mrs Ruth Simpson and Ms Anne Chambers again. You stated that this is because the events on the Tivoli log show that there was a power failure on 1 April 2004 at 12:47 p.m. but that Mrs Simpson had said in evidence that she had to re-boot the computer at 9:00 a.m. It is unclear what the relevance of this is. In Mrs Simpson's Witness Statement (TB3 p477-478) she states that she had to re-boot the computer because the screen went blank and that this happened on Thursday 1 April 2004. In her evidence at trial, she said that she continued to serve the customers and did not prepare the cash account until later than usual that day because of this. At best this appears to be a peripheral issue.

We are concerned about the cost and proportionality of recalling witnesses given that they have been released. It is unclear what point you propose to make (that you have not already previously sought to make) and how such a point may be relevant to the issues in the case. In the circumstances, so that we are able to take instructions on your application, please confirm the following:-

1. If your application succeeds, how long you anticipate you would take with each witness;
2. What issues you would put to each witness; and
3. How those issues are material to the case.

As requested, we enclose the transcripts for 8, 11, 12 and 13 December 2006 which we have now received from the transcribers.

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

Yours faithfully

Bond Pearce LLP

Enclosures

1. Transcripts 8, 12 and 13 December 2006