

Page 1 of 1

Stephen Dilley

From:

Stephen Dilley

Sent:

09 January 2007 15:59

To:

mandy.talbot [REDACTED] **GRO**

Cc:

'Richard Morgan'; Tom Beezer

Attachments: eCopy scanned document.pdf

Dear Mandy,

Thanks for your email of 8 January.

I have told Mr Castleton that we will let him cross examine Ruth Simpson and Anne Chambers

again provided that costs be in the case (i.e whoever loses the trial in principle has to pay the

assessed costs). He is not willing to agree that (see attached fax - I suspect he is getting some

informal legal advice).

My view is that despite our concern that his questions will be irrelevant, we have tried to

accommodate him by recalling these witnesses. Its almost as though he wants us to oppose his

application so that he can then say he didn't have a fair go.

I propose to ring him and say that unless he is willing to agree that costs be in the case, then

we will oppose his application to resume the trial and will not have the witnesses present on

Thursday. Do you agree?

Kind regards.

Stephen Dilley

Solicitor

for and on behalf of Bond Pearce LLP

DDI: [REDACTED] **GRO**

Main office phone: [REDACTED] **GRO**

Fax: [REDACTED] **GRO**

[www.bondpearce.com](http://www.bondpearce.com)

09/01/2007

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~ J

Shen Dilley

From:

Stephen Dilley

Sent:

09 January 2007 17:12

To:

'Richard Morgan'

Subject: RE: Draft Skeleton for Approval

Thanks Richard.

Just a few minor comments:

1. On p48 at D of the transcript for 13 Dec 06, Anne Chambers says that when she looked at

the Tivoli log she saw "Nothing out of the Ordinary. I saw the event which gave rise to that one

call that we decided is completely irrelevant..." I wonder if we should mention this in your

skeleton? I'll leave it to your discretion.

2. Para 15, should we say we don't object either "subject to the question of costs", or "subject

to costs being in the case"?

3. There's a typo in para 15 - hambers instead of Chambers

Kind regards.

Stephen Dilley

Solicitor

for and on behalf of Bond Pearce LLP

DDI:  **GRO**

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From: Richard Morgan  **GRO**

Sent: 09 January 2007 16:27

To: Stephen Dilley

Subject: Draft Skeleton for Approval

7 STONE BUILDINGS LINCOLN'S INN LONDON WC2A 3SZ

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CHAMBER S

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Stephen,

Any comments?

Richard

09/01/2007

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PRIVATE AND CONPipEN7IAL

Mr L Castleton

**GRO**

Fix: **GRO**

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Gear Sir  
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Claim number NQObXQZ706

Thank you for you' letter dated 5 ]anuary 2007 antl received today.

We do not accept that the Yivoli lag contradicts Mrs Bimpson's evidence with respect to her adlons on i

A pril 2004, or that even iP IL• does, this has "a serious impact on the Integrity of the system! and the

balances"(or indeed any impact at all). Tt is irrelevant to the outcome of this case end In any even!, you

were Suspended on 23 March 200 ,

Similarly, Mrs Chambers previously stated in evidence that when she examined tho TIYo~( Event log at the

me she savo "nothing ouC Gf the ordinary, only the event Chat gave rise to ehe one thlnq'that Is

•relevant", We therefore doubt that you can rebly wise any new relevant polrts with her,

!

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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, proporti0~ality and

relevance of r~~alling witnesses that have already been released. However, we have 6poke~ to both Mrs

Simpson and Ms Chambers who state that they would be willing to attend Court on 11 Januaty 20p7.

P.cc~rdingly, we will ask them to be there and we will not oppose your application, provided Chat iPthe

j~~dge gives permission for them to be cross examined again;

(a)

you complete their gross examination on the day; and

(b)

the costs of your application should be in the ca6e.

Pleasq confirm khat you agree to p~inte (a) and (b) above.

We are copying this Pax to the Court and look fgrward to hearing from you as soon as pos~fble.

Yours faithfully

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Bond Pearce ALP

Cc Sarah Landau, Clerk to HHJ HavQry ~C

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TO:  **GRO**

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**GRO**

9TH January 2007.

Dear Stephen,

I am writing in reply to your letter dated 8~`  
January 2007.

Thank you for not. opposing my application to re-open this case  
with reference to the 'Tivoli Lod. Whilst I understand your co~lcern  
with reference to cost and. proportionality, I am perplexed by your  
issue with relevance. Ms. Chambers told the court that in her opinion

it was relevant, having now had sight of the document I believe that it has relevance. I am of course glad. that both witnesses have indicated their intentions to attend.

Finally with respect to;

a, of your letter 8~' January 2007. I can of course confirm that my questions to be put to each witness will last no longer than 45 minutes each witness.

b, As I'm sure you understand, I would not have had to make this application had any document that your witness intended to use in evidence been disclosed to all parties. Having considered your request for "costs in the case". I see no reason that the costs should be in the case and believe that this should be a matter for the Court.

Yours

F "thfully

Lee Casdeton.

D9-JAN-200

15 35

**GRO**

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