

Julian Summerhayes

From: Tom Beezer
Sent: 12 December 2005 07:22
To: Julian Summerhayes
Cc: Simon Richardson; Andrew Tobey
Subject: FW: Post Office v Mr Castleton - Holiday Note

Julian -

when you have a view on the timing of the Jones statement being finalised and the part 36 being it would be great to get them out and start ramping up the pressure on Castleton. What I want to do is have a further crack at getting his lawyer to set aside by consent, ideally this side of Christmas.

Cheers
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From: Lisa Phelan
Sent: 09 December 2005 11:11
To: Julian Summerhayes; Tom Beezer
Subject: Post Office v Mr Castleton - Holiday Note

[Dictated in Stephen's absence, so has not been checked by him]

Dear Tom and Julian

I am away from 9 to 29 December.

Julian, thanks for kindly agreeing to look after this file in my absence.

The following are the next steps:

1. We are awaiting John Jones to provide us with comments on the latest draft version of the witness statement that I have emailed to him. When he provides us with his comments we need to incorporate that into the witness statement. Please note that since I emailed him the latest version, I have very slightly amended it. The latest document is iManage no 1096605 v3.

The latest version of the statement and exhibits are kept in the lever arch files in my room and the separate witness statements file.

2. We need to get Mandy and Counsel to comment on Cath Oglesby's witness statement. Once they have done so, we need to make any changes they suggest are appropriate. We then need to email the statement to her in draft. Please can you check what her address is and if we have that correct please also can Helen get the very bulky exhibit photocopied and send that out to Cath Oglesby because it will help to refresh her memory. We then need to get Cath Oglesby to reply to the comments in bold italics that I have written into that witness statement and to finalise it. Please keep Mandy Talbot and Counsel copied in.

3. We need to work on the draft witness statement of Helen Rose (nee Hollingworth) that I have prepared. Julian, I will give you the hard copy, together with the exhibits (as yet unpaginated). Once you are happy with this witness statement, please can you circulate it to Tom, Mandy Talbot and Counsel for comment. Once they have commented on it please can you email it to Helen Rose for comment and approval and finalise it with her.

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4. Once these witness statements have been finalised they need to be served on Mr Castleton's solicitors and filed at court.

5. I have sent Mandy Talbot a draft Part 36 offer for her to approve. Once she has approved it and instructed us to release it, please Julian can you finalise it (you will need to change the date) and send it to Mr Castleton's solicitors.

6. One of the outstanding issues on this case is disclosure. We have not yet had standard disclosure but Mr Castleton's solicitors have been chasing us for more disclosure. I have reviewed all of the exchanges of correspondence between Bond Pearce and Mr Castleton's solicitors to check what they have been sent. Please Julian can you see my attendance note of 24 November (iManage no 1095458) which sets out my conclusions in this regard.

The point is that it is clear from both Castleton's experts reports that neither expert had seen the majority of documents that we sent to Castleton's solicitors as long ago as 16 February 2005. For example, we sent to them 14 weeks worth of cash accounts, 12 weeks worth of giro receipts and 12 weeks worth of declared cash receipts. Their expert says he has only seen a cash account for one week, ie week 49.

Please can you also see Bentley Jennyson's report which is at Tab 12 of the lever arch file. The point Bentley Jennyson make is that despite monies being transferred from the cash account (£3,509.68) this doesn't appear to be reflected in the cash account after the transfer and that therefore the loss of £3,509.18 has been double-counted. I think I am right in saying that if Mr Castleton's solicitors had give Bentley Jennyson more weeks cash accounts they would have seen that the transfer of £3,509.18 was reflected in the cash account, albeit slightly later. I have asked Mr Jones to pick up on this point in his witness statement and we need to see what he says about it.

7. Mr Castleton's solicitors have been relentlessly pressing us to disclose daily snapshots. Please can you see Vicky Harrison's email to me of 7 December 2005 at 2.32pm which I have forwarded to you at Q5. That explains what a balanced snapshot is and it doesn't sound as important as Mr Castleton's solicitors make out. In any event, our case is that we can tell from the giro receipts that there was a physical cash shortfall and we have given them most of the giro receipts.

Julian you will see from the email from Cath Oglesby that I forwarded to you today that she did not document all the items she removed from the branch but kept everything together in the file. She can only recall taking the snapshots that I listed in the recent index of documents that I emailed to her and that Mr Castleton did not always produce a snapshot every day. We have previously informed Mr Castleton's solicitors that we are trying to find the documents they are looking for. If it is now the case that we are denying taking those documents in the first place, we need to consider when, tactically, to make that point to Mr Castleton's solicitors. If we make the point now, then they may think we have a weak case and that we cannot produce everything in support of it. However, if we make the point later, it may make matters worse.

Incidentally, we have not yet disclosed to Mr Castleton's solicitors all of the documents that we do have.


Just on a general note, we do need to keep Mandy Talbot and Counsel (Richard Morgan of Maitland Chambers) copied in on everything.

Finally, I wrote to Nick Samuel at the Post Office on 18 November and sent him a letter to forward to Fujitsu Services. I understand that Nick may now have left the Post Office. I suspect that David Halbert will pick this up in Nick's absence. We need to see where Fujitsu have got to with preparing the formal report I have asked them to prepare. David Halbert's telephone number is [GRO] and I suspect he will be dealing with this.

Kind regards

13/12/2005

Stephen

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