

Stephen Dilley

From: Stephen Dilley
Sent: 10 November 2006 16:00
To: 'mandy.talbot' GRO
Cc: 'Richard Morgan'; Tom Beezer
Subject: RE: Castleton's counter offer P.O -v- Castleton URGENT URGENT

Attachments: Draft Tomlin Order 10th November 2006.doc



Draft Tomlin Order
10th Novemb...

Dear Mandy,

Thanks for your email.

1. I don't think Mr Castleton will want quite as plainly to admit owing the P.O money, for the same reason he doesn't want a judgment being entered against him. We can try to get him to say that if you want, but I doubt he will. I wonder if we can change it to:

"I, Mr Lee Castleton, the former postmaster 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 discrepancies 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 discrepancies were caused by human error. I declare that the Horizon system did not cause or contribute to the discrepancies 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."

2. I attach a draft consent order for your approval. The real question is whether we need the undertaking in clause 5 of the schedule. Richard thinks that by making a song and dance we highlight a sensitivity and that the less we talk about it, the less likely it is that Castleton will seek to raise it, because raising the issue in itself calls into question his reasons for settling. Also,

- (i) the loss figure is purely speculative
- (ii) we wonder the P.O want to police it in any event; and
- (iii) the letter along the above lines would probably discredit Castleton enough if he did give make further allegations or give evidence in the Bajaj, Bilkhu or any other cases.

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

Kind regards.

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

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

From: mandy.talbot GRO
Sent: 10 November 2006 14:50
To: Stephen Dilley
Subject: Re: Castleton's counter offer P.O -v- Castleton URGENT URGENT

Stephen

What do you think of the proposed form of wording. Do you think Castleton will accept it?

Regards
Mandy Talbot
Dispute Resolution

Company Secretary's Office
Royal Mail Legal Services
148 Old Street
London EC1V 9HQ

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----- Forwarded by Mandy Talbot/e/POSTOFFICE on 10/11/2006 14:48 -----

Keith K Baines

To: Mandy Talbot [GRO]
10/11/2006 14:10 cc: Biddy Wyles [GRO] Clare
Wardle [GRO] John D
Cole [GRO] Marie
Cockett [GRO] Richard W
Barke [GRO] Rod
Ismay [GRO]
stephen.dilley [GRO]
Subject: Re: Castleton's counter offer P.O -v-
Castleton URGENT URGENT(Document link: Mandy
Talbot)

Mandy,

I think the draft says all that it needs to.

I have a few minor changes to suggest - revised text as follows:

"I Mr Lee Castleton the former postmaster at Marine Drive Post Office, Bridlington admit that a sum of money was owed by me to Post Office Ltd as a result of errors which arose whilst I was the postmaster at the above office. I had thought that this debt arose due to a malfunction of the HORIZON system but I now accept that I was mistaken and that the debt arose out of human error. I declare that the HORIZON system did not contribute to the errors in any way and formally withdraw all statements I made to the contrary."

and redlined against your draft....

"I Mr LLee Castleton the former postmaster at Marine Drive Post Office, Bridlington admit that a sum of money was owed by me to Post Office Ltd as a result of errors which arose whilst I was the postmaster at the above office. I had thought that this debt arose due to a malfunction of the HORIZON system but I know now accept that I was mistaken and that the debt arose out of human error. I declare that the HORIZON system did not contribute to the errors in any way and formally withdraw all statements I made to the contrary."

Regards,

Keith

Keith

Senior Contracts and Service Manager
Post Office Ltd
Operations
2nd Floor, Calthorpe House, 15-20 Phoenix Place, LONDON, WC1X 0DA

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Mandy Talbot
To: Richard W Barke [GRO]
10/11/2006 12:40 Keith K Baines [GRO] Rod

Ismay: [GRO] Marie
Cockett [GRO] John D
Cole: [GRO]
cc: Clare Wardle [GRO] Biddy
Wyles: [GRO]
stephen.dilley [GRO]
Subject: Castleton's counter offer P.O -v- Castleton
URGENT URGENT

You will all be pleased to know that the solicitors acting for Castleton have substantially accepted our counter proposal. I attach a copy of their letter.

Castleton is not prepared to have judgement entered against him because he claims it would prejudice his future career prospects and so the claim will be settled by way of a Tomlin Order. This means that if anybody searched the Court records all they would see is a record that the claim was resolved but the detail of the same is kept private.

Castleton is prepared to make an open statement that POL can use as it chooses exonerating the HORIZON system. I now need your assistance over the form of wording that POL would like to see in that statement.

I have prepared a short statement but would be very grateful for any improvements which you can suggest. We need to have a settled form of words to go back to Castleton's solicitors as soon as possible. This settlement is still without prejudice and does not formally conclude the action until it is signed so we must endeavour to get it signed as soon as possible.

"I Mr L Castleton the former postmaster at Marine Drive Post Office admit that a sum of money was owed by me to Post Office Ltd as a result of errors which arose whilst I was the postmaster at the above office. I had though that this debt arose due to a malfunction of the HORIZON system but I know accept that I was mistaken and that the debt arose out of human error. I declare that the HORIZON system did not contribute to the errors in any way and formally withdraw all statements I made to the contrary."

Mandy Talbot
Dispute Resolution
Company Secretary's Office
Royal Mail Legal Services
148 Old Street
London EC1V 9HQ

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Ref: SJD3/348035.134

Ref: MDT.113969

Claim No: HQ05X02706
IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

Master
day the day of November 2006

BETWEEN:

POST OFFICE LIMITED
Claimant

-and-

LEE CASTLETON
Defendant

**DRAFT/
TERMS OF ORDER
BY CONSENT**

Bond Pearce LLP
Ballard House
West Hoe Road
Plymouth PL1 3AE
Ref: SJD3/348035.134

Solicitors for the Claimant