

**Stephen Dilley**

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**From:** Stephen Dilley  
**Sent:** 08 November 2006 16:36  
**To:** 'Richard Morgan'  
**Cc:** Tom Beezer  
**Subject:** RE: Amended Defence

Dear Richard,

I thought it would be easiest to reply in blue below next to your original email.

Kind regards. Stephen

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**From:** Richard Morgan [mailto:[rgmorgan@gro.gov.uk](mailto:rgmorgan@gro.gov.uk)] **GRO**  
**Sent:** 08 November 2006 14:16  
**To:** Stephen Dilley  
**Subject:** Amended Defence

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Stephen,

Just while I work on the Reply to the Amended Defence, could I have instructions on one or two points:

1. At what time of day was Castleton suspended? Afternoon of 23 March 2004 (para 23 Cath Oglesby's statement). Cath thinks probably around lunchtime to early afternoon but cannot give an exact time. (She remembers being there quite late as she missed the birthday party of her stepson).
2. Who arranged for the temporary sub-postmaster to take over? Cath Oglesby asked Ruth Simpson to take over (para 3 Ruth Simpson's statement and para 25 Cath Oglesby's statement). When did that occur? I have spoken to Ruth Simpson today to get more detail. She states that Cath Oglesby called her late lunchtime on the Tuesday 23 March 2004 and asked her to go over to Marine Drive branch that day. She remembers because she had to drop her dogs off on the way(!) She got there mid to late afternoon, at which point she noted that the P.O counter was closed and the auditors were there. Ruth says she "took over the cash and stock that day", but did not re-open the branch that day. Ruth says she re-opened the branch on Wednesday 24 March 2004. (Para 25 Cath Oglesby's statement also says Ruth opened the branch on the morning of 24 March 2004).
3. Was the sub-post office shut on Castleton's suspension, or did the replacement take over immediately? See above. I am seeking instructions from the auditor on precisely when

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- the P.O closed that day and will revert to you.
4. When was the P242 signed (ie date and time)? Mr Castleton's solicitors previously asked us to disclose this. I have asked the P.O to supply a copy and have chased this up. I doubt they have it, but will revert to you either way.
  5. Did the branch then trade further on 23<sup>rd</sup> March? No, see above.
  6. Can we establish the time of the National Lottery sales on that day (although I am not too worried about this point)? I will seek instructions and revert to you.
  7. How have the Marine Drive figures been dealt with within the PO's books and records? I will forward you an email from Tony Kane which deals separately for this.
  8. Have the figures been included in audit information for the PO? Do you mean the audit report prepared by Helen Rose on 23 March 2004 or do you mean when the P.O itself is audited? Who can give evidence of this?
  9. Was Castleton paid £3,750 per month? I will seek instructions and revert to you.
  10. If so, when was he paid for January, February and March 2004? I will seek instructions and revert to you.
  11. Is the loss of income figure correct in paragraph 10? I will seek instructions and revert to you.
  12. Do we want to say that he has failed to mitigate? Mr Castleton has failed to make any disclosure about mitigation, so I think we should plead this. In para 19 of Greg Booth's witness statement, he states the barrister of Mr Castleton's father in law Allan telephoned him to say that the business was being purchased by Allan's pension fund and it was his duty to ensure a proper rate of return and he would require £1,250 rent per month. Given that Greg states he paid Castleton £255 total for 5 weeks (i.e just under £51 per week), £1,250 per month would make it uneconomic to run. This at least suggests, that Mr Castleton was trying to mitigate. Presumably he is receiving rent from Dorothy Day (new spmr). I will ask him to disclose the details of this. Given that Greg paid Castleton £255, does that at least reduce his counterclaim by £255? (Incidentally, Ruth Simpson says she did not pay Castleton any rent).

Can you also let me know whether we have a signed version of the Amended Defence and Counterclaim? I have chased Mr Castleton's solicitors again today. They say Mr Castleton had a **GRO** this morning and was taken to hospital. They say he has been suffering from **GRO** which is exacerbated by this case. (I wonder if its so bad they'll try to adjourn the trial on this ground - they didn't suggest this, but an adjournment would give them breathing space). In any case, they said they needed to speak to counsel and client in view of the points we raised yesterday and then come back to us. They agreed for us to have an extension of time for serving the amended Reply by the same amount of time they take to serve the signed Defence and Counterclaim (I asked them to put that in writing). We've chased since I started this email and his solicitors still haven't spoken to Mr Castleton.

Finally, can I have instructions to settle a short Request for Further Information if I consider it appropriate? Yes, I have cleared this with Mandy. Please proceed if appropriate.

Thanks,  
Richard

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