 Carol King
25/10/2005 09:22

To: Cheryl Woodward/e/POSTOFFICE
cc:
Subject: RE: Mr L Castleton - Marine Drive Post Office, Bridlington


Carol King
Debt Recovery Manager
Post Office Ltd
Finance
1st floor west, No 1 Future Walk, West Bars, CHESTERFIELD, S49 1PF
Postline: **GRO** STD Phone: **GRO**

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External Email: **GRO** k

--- Forwarded by Carol King/e/POSTOFFICE on 25/10/2005 10:22 ---

 Jennifer Robson
25/10/2005 08:45

To: Carol King/e/POSTOFFICE@POSTOFFICE
cc:
Subject: RE: Mr L Castleton - Marine Drive Post Office, Bridlington

Debt Recovery Section manager
Post Office Ltd
Finance

1st Floor West, No 1 Future Walk, West Bars, CHESTERFIELD, S49 1PF
Postline: **GRO** STD Phone: 0 **GRO** Mobex: **GRO** Mobile: **GRO**

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--- Forwarded by Jennifer Robson/e/POSTOFFICE on 25/10/2005 08:45 ---



Marx Carl
GRO **GRO**
GRO
24/10/2005 13:14

To: dave.hulbert@**GRO**
cc: gary.blackburn, jennifer.robson, keith.k.baine **GRO**
Subject: RE: Mr L Castleton - Marine Drive Post Office, Bridlington

Dave,

Just a quick email to acknowledge that I have a no of people looking into this and am awaiting their comment.

Regards,
Carl

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

From: dave.hulbert **GRO**
Sent: 24 October 2005 11:58
To: carl.marx **GRO**
Cc: gary.blackburn **GRO**, jennifer.robson **GRO**
Subject: Mr L Castleton - Marine Drive Post Office, Bridlington

~
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x

Carl,

could I ask you to look at the attached email string relating to an ongoing legal case for recovery of losses against a SPMR (as per title of email). Please have a look at the email from Stephen Dilley (solicitor working on behalf of POL) and his next steps section in particular, as this indicates what we need from Fujitsu i.e.: clear evidence that the losses in question weren't created by the system.

I've also copied below a response you provided some weeks ago relating to a different case (Smallbridge) about the system creating discrepancies and it would be worth having your view on whether this provides useful supporting evidence, particularly in countering the Experts' Reports (referred to in Stephen Dilley's email).

If you can't provide the evidence required, then please state this. A response by the end of this week is required as we need to make a decision on whether to proceed with this case or not.

Regards
Dave

Discrepancies in Stock, Cash or Transactions following equipment malfunction are virtually unknown and can not occur without a Corresponding lack of attention to process by the PM or Post Office staff:

1) If a transaction goes to completion, Riposte messages are written to the disk and replicated within 5 seconds to all of the neighbouring counters or to the Mirror Disk in the case of Single Counter Outlets. This transaction will then be visible to Post Office staff through the transaction log.

2) Should there be a failure which results in incomplete or damaged transaction information being written to the message store, then this will always result in events reported by the counter to the centre and/or visible dialogs which will request that the PM report the matter to Horizon Help Desk, the system generally takes a conservative view and will complete any partial transactions it finds.

3) The Horizon System User Guide has a lot of guidance on System Failure and the steps needed to recover from failure which mitigate against any losses by the PM by documenting procedures for the recovery of transactions.

4) Post Masters were required Pre S80 to produce weekly cash accounts at which time any major losses or gains would become immediately apparent; notwithstanding that the vast majority of Post offices will make a check at the end of each working day by producing daily office summaries and daily cash declarations (Mandatory). These will demonstrate whether there are major discrepancies, if there are discrepancies then it is expected that the Post Master should account for them then, or raise calls on NBSC to assist in resolving the problem.

5) The PM has a powerful tool in the transaction log, this will allow production of reports for the 35 previous days transactions.

In summary, the system is very robust. In our experience it very seldom loses transactions unless equipment is physically removed from site; if it does lose transactions Post Office procedures should quickly identify discrepancies and they should be followed through with help desk assistance within a week.

Reports of discrepancies dating back for more than 7 days are unlikely to provide a definitive answer.

Service Manager, Operations Control
Post Office Ltd
Operations

Postline: **GRO**, STD Phone: **GRO** Fax: **GRO** VoiceMail:
, Mobex: **GRO** Mobile: **GRO**
External Email: dave.hulbert@**GRO**
----- Forwarded by Dave Hulbert/e/POSTOFFICE on 24/10/2005 11:25 -----

Jennifer Robson

To: Dave
Hulbert/e/POSTOFFICE@POSTOFFICE
18/10/2005 14:11 cc: Mandy
Talbot/e/POSTOFFICE@POSTOFFICE, Carol King/e/POSTOFFICE@POSTOFFICE
Subject: Mr L Castleton -
Marine Drive Post Office, Bridlington

To note the emails below please on the case we consulted on recently .
I'm not sure if you now need ot advise Dave Smith of this counterclaim.
Carol and I will need to discuss the requirements placed upon us --stated
below.
Can you advise who would be the contact from your domain. Please note the
date for provision of info. Can you get back to me by early next week
please.

Many thanks
Jen
Debt Recovery Section manager
Post Office Ltd
Finance

1st Floor West No 1 Future Walk, West Bars, CHESTERFIELD, S49 1PF
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GRO

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External Email: **GRO**
----- Forwarded by Jennifer Robson/e/POSTOFFICE on 18/10/2005 14:06 -----

Mandy Talbot

To: Carol
King/e/POSTOFFICE@POSTOFFICE, John Legg/e/POSTOFFICE@POSTOFFICE, Nicky
18/10/2005 13:55
Sherrott/e/POSTOFFICE@POSTOFFICE, Jennifer Robson/e/POSTOFFICE@POSTOFFICE
cc: Clare
Wardle/e/POSTOFFICE@POSTOFFICE
Subject: Mr L Castleton -
Marine Drive Post Office, Bridlington

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This is a case where the adequacy of the evidence which POL has in support of it case against Castleton is being challenged and his counterclaim dwarfs the size of the claim. The adequacy of the records obtained from the Horizon system is being challenged. As the business chose to give summary termination instead of three months notice it is required to physically prove the loss. If the Horizon evidence is not up to the job this will have serious ramifications for the business.

Litigation Team Leader
Company Secretary's Office
Legal Services

Royal Mail, Impact House, 2 Edridge Road, CROYDON, CR9 1PJ

Postline: [GRO] STD Phone: [GRO] Fax: [GRO] Mobile: [GRO]

External Email: mandy.talbot [GRO]

----- Forwarded by Mandy Talbot/e/POSTOFFICE on 18/10/2005 13:49 -----

"Stephen Dilley"

[GRO] [GRO]
<cheryl.woodward@[GRO] [GRO]>

To:

[GRO]
<mandy.talbot@[GRO] [GRO]>

cc:

Subject: Mr L Castleton

-
Marine Drive Post Office, Bridlington
18/10/2005 12:43

Dear Ms Woodward

I refer to Denise's email of 29 September.

Denise has now left the firm and I am dealing with this matter. I have reviewed the voluminous papers and thought it would be helpful to set out my view of the case at this point:

Case Summary

1. The Post Office's claim is for approximately £27,115.83 plus interest and costs in respect of net losses. Clearly, Mr Castleton is contractually responsible for any losses that the Post Office makes caused by negligence or error. However, the real issue is whether there has been any real shortfall, or whether this shortfall has really been generated by computer error. To win, the Post Office must show that there has been a real shortfall.

2. Was Mr Castleton dismissed summarily? If the answer is "yes", then if the Post Office cannot show that there was a real shortfall and loses its claim and has dismissed him without a good reason, then unless his contact say otherwise, it appears that you may well have to take Mr Castleton's wrongful termination claim seriously. He claims that he has suffered loss for up to £250,000 but those losses have not yet been particularised and I will need to analyse any evidence in support of them. Please could you supply me a full copy of his contract?

3. From the outset, Mr Castleton's case has consistently been that if you

return to him all of the documents removed by Mrs Ogglesby on 10 May 2004, then he will be able to demonstrate that the losses are not real. He has repeatedly sought the return of the daily snapshots, because he believes that the only way to verify the accuracy of the weekly snapshots and weekly balances is to manually cross check them by reference to the daily snapshots.

Experts' Reports

I enclose copies of the following:-

- (a) A without prejudice letter dated 30 September from Mr Castleton's solicitors to Bond Pearce;
- (b) Bentley Jennison's Report dated 23 September and attachments; and
- (c) White & Hoggard's report dated 18 August.

Bentley Jennison state that the deficiencies have probably been brought forward despite the fact that they have been entered onto the suspense account entry. They suspect this is because the Horizon system, despite the suspense account entry, has failed to recognise the entry on the daily snapshot. They have drawn this conclusion through looking at the discrepancy of £3,509.18 on Thursday 26 February 2004. They then suggest that this double accounting could have continued over a number of weeks and that as such, Mr Castleton's Defence, "appears to hold potential merit based on the limited documentation" they have so far reviewed. White & Hoggard reach a similar conclusion in their report.

You may think the expert has got it wrong, but even if they have, they can only form their view on the information available and this is what the Court will have to do when the claim gets to trial.

Further disclosure

Bentley Jennison seek:

- (i) A full list of all the transactions carried out within the Post Office (he says that it is not good enough that management information is not available simply because the "month end has been closed down".
- (ii) The actual audit report prepared by Mrs Ogglesby. He says that the actual report would have been a manuscript writing document rather than a typed document.
- (iii) P and A Reports for weeks 39-52.
- (iv) Cash and stock counts for when Mr Castleton began trading and when he stopped being a Post Office Sub-Postmaster.
- (v) The events log for weeks 39 to 52.
- (vii) Transaction log.

In your email to Denise of 26 September, you state that you are probably not going to be able to produce any further paperwork. However, the onus is on the Post Office to prove its case on the balance of probabilities. Given the nature of Mr Castleton's Defence, I suspect that the Court will draw adverse inferences against the Post Office if it is unable to produce relevant documents that could either help or hinder its case. The outcome could well be that instead of recovering £27,000, the Post Office ends up paying to Mr Castleton a significant sum for wrongful termination of his contract.

Next Steps

Do you have the documents that the expert and Mr Castleton have requested? My view is either that we should obtain the documents to prove

the claim is true, or take an early view that it is unlikely to succeed and that in order to extricate yourselves from proceedings, you will probably have to make a payment to Mr Castleton. The Court has ordered that the claim be stayed until 3 November 2005 to enable the parties to try to settle.

Once you have reviewed this email, please could you contact me to discuss strategy. It may be that an early without prejudice meeting or mediation asap would be useful. The worst move would be to run the claim to trial and then find you cannot produce the documents you need because at that stage, both parties will have incurred significant costs and the stakes will be that much higher.

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

Kind regards.

Stephen Dilley
Solicitor
Bond Pearce LLP
DDI: [redacted] GRO
Main office phone: [redacted] GRO
Fax: [redacted] GRO
www.bondpearce.com

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