

Helen F Watson

From: Rebekah Mantle
Sent: 07 April 2011 15:05
To: Emily B Springford; Helen F Watson
Subject: FW: Mrs J'ODell - Former subpostmaster of Great Staughton PO (FAD 288/230) [4A.FID573447]
FYI

From: Rebekah Mantle
Sent: 07 April 2011 14:53
To: Alison Bolsover; Susan Crichton; Rod Ismay
Subject: RE: Mrs J'ODell - Former subpostmaster of Great Staughton PO (FAD 288/230) [4A.FID573447]

Just to keep everyone updated, Alison and I have agreed not to defend O'Dell's claim on the basis that it would not be economic to do so (even if we were to exceed in defending the claim, the irrecoverable legal costs would exceed the £290 she is claiming). We can bring our claim for £9616 against her at a later date if we are able to form the view that we can recover the debt and our legal costs to the extent that we are not out of pocket as a result of bringing the claim. The problem with using legal action to recover sums up to about £10k is that our legal costs will exceed the sum we are claiming and, in our experience, it is very difficult to recover these costs.

Please let me know if you would like to discuss further.

Kind regards

Rebekah

From: Rebekah Mantle
Sent: 05 April 2011 12:44
To: Alison Bolsover; Susan Crichton; Rod Ismay
Subject: RE: Mrs J'ODell - Former subpostmaster of Great Staughton PO (FAD 288/230) [4A.FID573447]
Importance: High

All

Further to our meeting last week, I am wondering whether the below case is one that it is worth pursuing. Mrs O'Dell is claiming £290 from us; it would cost a lot more than this to defend so I think we should settle this on the basis that it is not economic to defend such a claim. We could raise as a counter-claim the loss of £9,616 (which we claim Mrs O'Dell owes us as a result of branch discrepancies, which she claims are as a result of issues with Horizon). However, the legal costs of collating and preparing evidence to show the POL suffered a loss and that it was not due to Horizon, would exceed the value of our counter-claim. We would need to file any such counter-claim by 8 April; therefore it would be useful to have your view on this as soon as possible.

Many thanks

Kind regards

Rebekah

Rebekah Mantle
Head of Dispute Resolution
Royal Mail Group, Legal Services
3rd Floor, 100 Victoria Embankment, LONDON, EC4Y 0HQ

Direct
Post
Mobile

GRO

11/04/2011

From: Ann Bailey
Sent: 01 April 2011 12:53
To: Chris Darvill
Cc: Helen F Watson; Emily B Springford; Rebekah Mantle
Subject: RE: Mrs J'O'Dell - Former subpostmaster of Great Staughton PO (FAD 288/230) [4A.FID573447]

Dear Chris,

I have spoken at length to Jackie Whitham and Alison Bolsover and we are all of the same opinion. This has only been strengthened with the report from Global, see the attached. Mrs O'Dell is also a cat breeder and has a business called Maltmadcats, this business is not shown on the report.

Please proceed to pursue Mrs O'Dell for the recovery of POL losses of £9,616.66 as this has always been our intention however before we had got to this stage and now Mrs O'Dell has commenced proceedings against POL for £290.16, we request that you now issue a counter claim.

Details regarding the false cash declarations and branch discrepancies are included in the paperwork (letters to O'Dell from Sue Muddeman) already sent to our legal team and the details surrounding the pin pad issues are in the interview notes with Mrs O'Dell, also in the paperwork to our legal team.

If you need any further help please don't hesitate to get in touch,

Regards, Ann

Mrs Ann M Bailey,
Former Agents Accounting,
Finance,
2nd Floor West Block,
Post Office Ltd,
1, Future Walk,
Chesterfield,
Derbyshire,
S49 1PF

Postline: **GRO**
External:

From: Chris Darvill **GRO**
Sent: 01 April 2011 09:20
To: Ann Bailey
Cc: Helen F Watson; Emily B Springford; Rebekah Mantle
Subject: Mrs J'O'Dell - Former subpostmaster of Great Staughton PO (FAD 288/230) [4A.FID573447]

Dear Ann

The purpose of this email is to set out our recommendations for responding to Mrs O'Dell's claim. As you know, Mrs O'Dell is claiming £290.16 from POL. POL is owed £9,616.66 by Mrs O'Dell which it is yet to formally pursue. The key points are summarised below. A more detailed analysis of those points is set out in the attached note for your reference. If you would like to discuss any of the issues raised, please do not hesitate to contact me.

Key issues and recommendations

POL's claim

- We recommend that Mrs O'Dell's claim be dealt with as a discreet issue and POL's own claim be parked until the various allegations regarding the integrity of the Horizon system have been properly investigated. This will involve an analysis of the 'error' alleged by Mrs O'Dell and may also require input from Fujitsu as regards the operation of the system in branch at the relevant time.

11/04/2011

- Please note there is a risk that a failure by POL to bring its claim now in these proceedings could disentitle it to pursue its claim in separate proceedings at a later date. This is on the basis of the rule in a case called *Henderson v Henderson*, which provides that the bringing of a claim in later proceedings may amount to an abuse of process if the court is satisfied that the claim ought to have been raised in the first set of proceedings. We consider that risk to be low.
- If POL would prefer to pursue Mrs O'Dell for the recovery of its losses now, a counterclaim will need to be prepared and issued. To do so, I will need further detail from Sue Muddeman (the Contract Manager for this branch) regarding the false cash declarations made by Mrs O'Dell and the branch discrepancies which are alleged to have incurred in branch from May 2009 onwards. I will also require a detailed explanation of the pin pad technical issues experienced by Mrs O'Dell, how those issues may have impacted on Horizon (if at all) and what steps were taken by the business to resolve this issue. This is necessary in order to ensure that we are able to anticipate potential arguments which may be run in response to the counterclaim. Please note that the costs of pursuing a claim will exceed the value of the losses claimed.
- The asset position of Mrs O'Dell should be investigated before any claim is commenced by POL. Helen Watson is dealing with this issue and the information should be available shortly. We would not recommend pursuing the claim unless there is a realistic prospect of recovery against Mrs O'Dell.

Mrs O'Dell's claim

- It is unlikely that the court would be prepared to strike out Mrs O'Dell's claim. If POL wishes to contest this claim as a matter of principle we will need to prepare a defence. The costs of defending the claim will outweigh its value.
- An alternative option for responding to the claim would be to pay it out (either in full or an agreed amount) in order to dispose of it quickly and avoid incurring the costs of preparing the defence. This could be done on terms that the offer is made without admission of liability in the interests of resolving the matter on a commercial basis and without prejudice to any claims that POL may have against Mrs O'Dell. Any offer made should also be conditional upon it remaining confidential to the parties. Any settlement offer should be put forward immediately if the intention is to avoid the costs of preparing a defence.
- The defence is due to be served on 8 April 2011. If a counterclaim is also to be made, this ordinarily should be done at the same time (on the basis that the defence and counterclaim usually form one document). We will, therefore, need a decision from the business as to how it would like to respond to the claim by Monday 4 April 2011.

I look forward to hearing from you.

Kind regards

Chris

Chris Darvill
Associate

For
DDI:
Main:
Fax:
Mob:

GRO

www.bondpearce.com



Bond Pearce – Best Legal Adviser 2010 in the Legal Week Intelligence Client Satisfaction Report

Please consider the environment! Do you need to print this email?

The information in this e-mail and any attachments is confidential and may be legally privileged and protected by law.

GRO only is authorised to access this e-mail and any attachments. If you are not
please notify **GRO** as soon as possible and delete any copies.
Unauthorised use, dissemination, distribution, publication or copying of this communication is prohibited.

Any files attached to this e-mail will have been checked by us with virus detection software before transmission. You should carry out your own virus checks before opening any attachment. Bond Pearce LLP accepts no liability for any loss or damage which may be caused by software viruses.

Bond Pearce LLP is a Limited Liability Partnership registered in England and Wales number OC311430.

Registered Office: 3 Temple Quay, Temple Back East, Bristol, BS1 6DZ. VAT number GB143 0282 07.

A list of members (all of whom are solicitors of England and Wales or registered foreign lawyers) is available from our registered office.

We use the word "partner" to refer to a member of the LLP, or an employee or consultant who is a lawyer with equivalent standing and qualifications.

Bond Pearce LLP is regulated by the Solicitors Regulation Authority.