

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
BETWEEN:

Claim No. HQ05XO2706

POST OFFICE LIMITED

Claimants/Part 20
Defendant

- and -

LEE CASTLETON

Defendant/Part 20
Defendant

**CLAIMANT'S REQUEST UNDER CPR PART 18 FOR FURTHER INFORMATION IN
RELATION TO THE DEFENCE AND PART 20 CLAIM**

1. In paragraph 5 of the Defence of the words "The Defendant avers that any apparent shortfall is entirely the product of problems with the Horizon computer and accounting system used by the Claimant" please state precisely:
 - 1.1 the full nature and extent of the problems that the Defendant alleges he encountered with the Horizon system and on what occasions he encountered them.
 - 1.2 how and why each of the alleged problems with the Horizon system meant that the losses in question were allegedly theoretical rather than real.
 - 1.3 Between cash weeks 42 and 49 whether the Defendant admits:
 - (a) ordering approximately £305,000 cash from the Claimant (and if not, what sum the Defendant ordered over this period);
 - (b) returning only approximately £20,000 of that cash to the Claimant (and if not, how much was returned);
 - (c) that the Marine Drive branch never ran out of cash (i.e. it always had sufficient cash to service its transactions).
2. In paragraph 6 of the words "upon disclosure by the Claimant of the daily balance snapshot documents" please state:
 - 2.1 What the Defendant believes is the purpose and functionality of a balance snapshot and the basis of his belief.

- 2.2 Whether the Defendant admits that a balance snapshot is a running total printout showing a balance of what cash a branch *should* have, not necessarily what cash it *actually does* have. If the Defendant does not admit this, please state why not.
- 2.3 Whether the Defendant's maintains that a balance snapshot is able to (and should) show the *actual transfer* of cash from a Cash Account into a suspense account.
- 2.4 How and why the Defendant believes that a balance snapshot is capable (i.e. has the functionality) of conclusively demonstrating that the shortfalls were only accounting errors rather than genuine shortfalls.
- 2.5 Whether the Defendant relies upon any other receipts apart from balance snapshots to be able to demonstrate that the shortfalls are nothing more than alleged accounting errors and if so, specify which documents and categories of documents are those upon which the Defendant seeks to rely.
3. In paragraph 9 of the Part 20 Claim of the words "wrongfully terminated the Defendant's Contract as a Sub-Postmaster following his suspension" please state:
 - 3.1. how allegedly was the Claimant at fault in wrongfully terminating the Defendant's Contract as Sub-Postmaster. In other words please identify whether the Defendant relies upon an alleged procedural irregularity or wrongful ground(s) for termination or both and in what respect?
 - 3.2. how allegedly should the Claimant have dealt with the shortfall which forms the basis of the claim given the right to determine the Defendant's Contract on 3 months notice without cause?
 - 3.3. how allegedly should the process of termination have taken place that did otherwise not take place?
4. In paragraph 9 thereof of the words "the true cause of the apparent shortfall in the accounts of Marine Drive Post Office is the Claimant's own computer system not any misconduct or negligence on the part of the Defendant or his assistant":
 - 4.1. please provide full particulars of the evidence that the Defendant relies upon to show and/or demonstrate this.

- 4.2. please provide copies of all documents not otherwise disclosed so far and relied upon to evidence the allegations relating to the Claimant's computer system.
5. In paragraph 10 thereof and sub-paragraphs (a), (b) and (c) the Defendant alleges that he has suffered various losses by reference to his wrongful termination. Please state:
- 5.1. given that the Defendant's position could have been determined without cause on three months notice, what losses beyond this period, if at all, does the Claimant claim and on what basis?
- 5.2. please provide copies of all documents relied upon to evidence the alleged diminution in capital value of the Defendant's premises.
- 5.3. Please provide copies of all documents relied upon to evidence the "[alleged] loss of profits from the Post Office... as a result of the removal by the Claimant of the Post Office franchise from the premises".

Dated: 6 March 2006

GRO

Bond Pearce LLP

Solicitors for the Claimant/Part 20 Defendant

Please provide details within 14 days of this Request to the Claimant's solicitors: Bond Pearce LLP, Ballard House, West Hoe Road, Plymouth, PL1 3AE.

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Ref: JMS1.348035.134

Solicitors for the Claimant