

20 November 2006
By Fax GRO & Post

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URGENT

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Our ref:
SJD3/KAK2/348035.134
Your ref:

Dear Sir

Post Office Limited -v- Yourself

We refer to our unanswered letters dated 19 October and 9 November to Rowe Cohen, who were then on the record as being your solicitors, further copies of which we enclose for your ease of reference. We have today received a Notice of Change of Solicitor from Rowe Cohen which indicates that you are now acting in person and that they have ceased to act.

(1) Amended Defence and Counterclaim

- (a) We are surprised that you now assert in paragraph 3 of the draft amended Defence and Counterclaim that you did not sign the Cash Account for week 51 given that at tab 4 of our disclosure bundle there is both a signed and unsigned copy of the cash account for that week. Who do you say signed the Cash Account for that week if not you? Given that you signed it, why do you assert that it is not an account behind which you are not entitled to go?
- (b) You were ordered to serve your amended Defence and Counterclaim on 6 November, but have not done so. We have written to Rowe Cohen several times to seek a signed copy. The trial of this matter is due to commence on 4 December 2006. Please now immediately provide us with a signed copy of the final version of your amended Defence and Counterclaim. You will also need to seek the Court's permission to serve it out of time
- (c) Pursuant to paragraph 3 of the Order of Master Turner dated 23 October, you have permission to make consequential amendments to your Defence and Counterclaim. The reduction of the Counterclaim from £250,000 to £11,250 has not been made in response to anything that has changed in the Amended Particulars of Claim. It is not consequential and as such, you do not have permission to make that amendment. We do not object in principle to you reducing the Counterclaim (you will need to seek the Court's permission) provided that you do pay the Post Office's costs consequential upon such amendment which would include such costs as are attributable to the abandonment of the majority of the Counterclaim, such costs to be assessed if not agreed.
- (d) In the draft amended Counterclaim that you sent to us, you state that your loss of income as a sub-postmaster is £11,250. You have not disclosed any evidence relating to mitigation of loss. Please now do so. In particular, please confirm the amount of income that you have received and continue to receive from all sub-postmasters who have worked at Marine Drive after you were suspended and if not, why not and what steps you took to obtain any income.
- (e) In our recent telephone conversations with Mr Turner, he said that he had no objection to us having an extension of time to serve the Amended Reply and Defence to Counterclaim, commensurate with the same additional time that it takes you to serve your amended Defence and Counterclaim. As requested, please confirm this in writing.

(2) Pre Trial Review hearing

The Court has listed a pre-trial review to take place at the Royal Courts of Justice, London at 10.30am on Monday 27 November 2006.

- (a) We will seek an Order at the pre-trial review that you be debarred from pleading any positive case apart from that disclosed in the existing, original Defence unless we receive a signed amended Defence and Counterclaim by no later than 4pm on Monday 27 November 2006.
- (b) The Court ordered exchange to take place on Friday 10 November 2006, but you were not ready to do so. We have repeatedly asked Rowe Cohen to send your Witness Statements to us. We served the Post Office's Witness Statements of fact on 17 November, when Rowe Cohen were still on the record. Your solicitors have had many months to finalise witness statement evidence. Accordingly, please immediately confirm when you anticipate being in a position to exchange Witness Statements. At the pre-trial review, we will seek an Order that unless you serve your signed Witness Statements upon us by no later than 10am, Tuesday 28 November 2006, that you be debarred from giving any evidence in chief. We would prefer to exchange witness statements as soon as possible this week.

(3) Defendant's expert accountancy report

The Court ordered you to serve your expert accountancy report by Friday 10 November 2006 but you failed to do so. You are now too late to serve expert evidence. If you seek the Court's permission to adduce an expert's report, this will be resisted.

We look forward to hearing from you as a matter of urgency.

Yours faithfully

Bond Pearce LLP

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