

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

Claim No: HQ05X02706

BETWEEN:

POST OFFICE LIMITED

Claimant

-and-

LEE CASTLETON

Defendant

**CLAIMANT'S SKELETON
ON PTR TO BE HEARD
ON MONDAY 27th NOVEMBER 2006**

1. This is the skeleton argument of the Claimant ("C") on the Pre-trial Review ("PTR") in preparation for the 10 day trial fixed on 22nd June 2006 and listed to start on 4th December 2006. A short procedural chronology is attached to this document.
2. In the action C claims £25,858.95 being monies reported as received by the Defendant ("D") as agent for C but for which he has failed to account. D's unparticularised defence is apparently that the losses are not real but are occasioned by problems with C's computerized accounting system. Since D alleges there were no "real" losses, he says his subsequent dismissal by C as a sub-postmaster was wrongful and (by recent amendment for which no permission has been sought or obtained) he claims damages of £11,250 (reduced from £250,000).
3. This matter was last before the Court (Master Turner) for a Case Management Conference on 23rd October 2006. The Master gave directions for pleadings consequential on clarificatory amendments to C's statements of case and set a timetable for exchange of witness statements and sequential exchange of expert evidence (given that it was D that was seeking to suggest that his experts were going to identify the issues said by D to give rise to his reported losses and the date for exchange of reports had long since past). D was to serve his expert evidence by 4 pm on 10th November 2006 and exchange of witness statements was to take place by the same time.

4. Since that hearing, although a draft Amended Defence that contained both consequential and new amendments was served, D has failed to verify that with a signed statement of truth. D's unverified Amended Defence alleges for the first time that the signed Cash Account (Final) for week 51 was not signed by him, although the document in C's disclosure bears a signature in his name and apparently in his handwriting.
5. Further, although C offered to exchange witness statements on 10th November 2006, D has not been ready to exchange, nor has he served any expert evidence.
6. On Friday 17th November 2006 C sent by DX signed witness statements from its 15 witnesses of fact to D's then solicitors to hold to C's order until they were in a position to exchange.
7. On Monday 20th November 2006 D served a notice of change and is now acting in person. He has still not offered any statements for exchange.
8. C has 15 witnesses of fact, all of whom are the subject of witness summonses requiring attendance on the first day of the trial. C also has an accounting expert warned for attendance at the trial in the expectation that D was going to serve expert evidence by 10th November 2006 to which they might be required to reply by 24th November 2006. No reports in answer have been prepared as D has not served any expert evidence to answer pursuant to the Order of Master Turner of 23rd October 2006.
9. C sent D a draft index for the proposed bundles for trial and invited a response by 22nd November 2006. No response has been received. Accordingly bundles are being prepared on the basis of the draft index sent to D.
10. C continues to prepare for trial starting on 4th December 2006 but is entitled to know what case it is to meet and the evidence that is to be relied upon by D. This is particularly so in circumstances where D has made serious but unparticularised allegations about C's business systems and the costs of defending those allegations is so great in comparison to the amounts at issue.

11. In the circumstances C seeks the following directions as being necessary and proportionate for the fair disposal of the case at the trial commencing next week:

- (i) An Order that unless D verifies his proposed draft Amended Defence and Counterclaim with a Statement of Truth and serves the same on C by fax by 4pm on Tuesday 28th November 2006 then his statement of case be struck out and he be debarred from leading any positive case at the trial of the action herein;
- (ii) An Order that D be debarred from adducing any witness evidence at trial save to the extent that it is contained in signed witness statements served by him by fax by 4pm on Tuesday 28th November 2006; and
- (iii) An Order that D be debarred from adducing any expert evidence.

RICHARD MORGAN

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