

Stephen Dilley

From: Stephen Dilley
Sent: 03 January 2007 16:52
To: 'mandy.talbot' [GRO]
Cc: martyn.mitchell [GRO]; Tom Beezer
Subject: Update: P.O -v- Castleton
Attachments: AFORM_1250070.PDF; LETTER_1249646.DOC; LETTER_1252170.DOC

Dear Mandy,

I hope you've had a great Christmas and New Year.

Just to recap on where we'd got to before you went away and to update you on the current position:

1. Towards the end of the trial, during the latter part of Anne Chambers' (Fujitsu) evidence, she stated that in 2004 when she investigated, she looked at the Tivoli Events logs. She said that these were not documents which Fujitsu had previously given to us and so they were not in the trial bundle. She said that when she examined at the time she saw "nothing out of the ordinary, only the event that gave rise to the one thing that is irrelevant." (Presumably that is why they did not give us to them earlier).
2. On 13 December 2006, the Court made an order of its own volition that any application for Mr Castleton for a resumed hearing arising out of the late disclosure on the part of the Post Office had to be made and served on the Post Office by Tuesday 19 December so that it could be heard by 21 December 2006 (copy attached). This prompted an application by Mr Castleton allowing for a resumed hearing (application notice attached).
3. After close of business on Friday 15 December 2006, Mr Castleton telephoned me to ask Fujitsu to supply the document and I immediately e-mailed them and asked them to do so.
4. On 19 December 2006, His Hon. Judge Havery QC ordered that Mr Castleton should initially state in writing his reasons for requiring a further hearing with reference in particular to specific points and the recently disclosed documents that he wishes to rely on and why they affect his or the Post Office's case. This suggests the judge may think that Mr Castleton is making something out of nothing, or that he doesn't understand the point Mr Castleton is trying to make. I explained to Mr Castleton what the position was at that stage i.e that Fujitsu had recovered the archive records for every Post Office in the UK and then needed to extract the relevant information for Marine Drive and that this was no mean feat. (Copy attached). I asked him to confirm whether he wants his application to proceed, given that we had said that we would give him the information he had requested. Mr Castleton stated that he has put Anne Chambers' evidence to Mr Brown (the Post Master in Falkirk) and he now has further points that he wants to make from what Mr Brown has said. I said that the only points he could now make should arise from the late disclosure of this document and nothing else. It is unclear to me what he is saying, but I anticipate he's going to go off on another complete tangent.
5. I attach a letter dated 20 December 2006 that Mr Castleton sent to the Court which really restates the same irrelevant points he made during the Trial and in which he concludes that the existence of the document adds more weight to his case.
6. On 21 December 2006 I sent the Tivoli Events Log to Mr Castleton. The court has now ordered that if Mr Castleton wishes to pursue his application for a further hearing, the Judge will hear both parties at 10.30 am on Thursday 11 January 2007. I have reserved Richard for the hearing and I intend to attend.

03/01/2007

7. I called Mr Castleton yesterday and wrote to him again today to ask him to clarify what exactly it is he is seeking and whether he intends to proceed. My impression is that he doesn't really know himself, but that however irrelevant the document is, he will try and make as much as possible out of it and that we will therefore end up in Court a week on Thursday. I do want him Mr Castleton to have every opportunity to say his piece, so that if the P.O gets judgment in its favour, this reduces the prospect of any successful application for permission to appeal. On the other hand, his stance is increasing further costs and I have made the point to him in correspondence so that at the appropriate time, we can draw this to the Court's attention.

8. It is possible that if the judge dismisses Mr Castleton's application next Thursday, that we will get judgment on the same day. Either way, I will keep you updated.

Kind regards.

Stephen Dilley
Solicitor
for and on behalf of Bond Pearce LLP

GRO

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