

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

Claim No: HQ05X02706

BETWEEN:

POST OFFICE LIMITED

Claimant

-and-

LEE CASTLETON

Defendant

**SUGGESTED READING LIST
& OUTLINE TRIAL TIMETABLE**

At a PTR on Monday 27th November 2006 before His Honour Judge Seymour QC sitting as a High Court Judge the Defendant appeared in person and applied for an adjournment of the trial starting on Monday 4th December 2006 on the basis that he would not be prepared for the trial, having only just recovered his papers from his solicitors and having suffered a medical condition.

The Judge, having established that the Defendant was not suggesting that his mental facilities were still impaired, gave directions that the trial should start on Tuesday 5th December 2006 with limited trial timetable directions. The Terms of Order appear at page 39a behind tab 13 in bundle 1. The timetable for the first day of the trial is as follows:

1. Defendant's restored application for an adjournment of the trial (if the Defendant still wishes to make such application);
2. Claimant's opening of not more than ½ day, the Claimant having indicated that it intends to submit that the Defendant bears the burden of proof on the principal issues and should call his evidence first;

3. Following the opening, ½ day of Court reading, with the first witnesses to be called on Wednesday 6th December 2006 (there are a number of issued and un-issued witness summonses).

It is anticipated that the Court will give further directions for the course of the trial following the conclusion of the Claimant's opening.

Pre-reading

Given that there is ½ day set aside for the Court to read following the conclusion of the Claimant's opening, at present the Claimant proposes to invite the Court only to pre-read:

1. The parties' skeletons and accompanying authorities (estimate 1 hour);
2. The pleadings in bundle 1 at tabs 2, 3, 4 and 6 (estimate 1 hour);

To look at:

3. Tabs 30 to 37 in the core bundle, bundle 2 (20 minutes);

And, if time permits, to read:

4. The witness statements in bundle 3 of Michael Johnson (tab 38), Helen Rose (tab 57), Catherine Oglesby (tab 53), and Ruth Simpson (tab 59) and in bundle 4 of Mr Castleton (tab 65) and Christine Train (tab 67) (2 ½ hours).

[Grand Total – approximately 5 hours]

Once the Court has heard the Claimant's opening it will be invited then to read or re-read the parties' witness statements, which are likely to take 2 to 3 hours.

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CHRONOLOGY

Substantive History

14 th – 17 th July 2003	Mr Castleton undergoes training on Horizon in Leeds
18 th July 2003	Mr Castleton becomes sub-post master.
21 st January 2004 (Week 43)	First week in which Mr Castleton records shortage - £4,230.97.
28 th January 2004 (Week 44)	Shortage of £6,754.09
4 th February 2004 (Week 45)	Shortage of £6,730.01
11 th February 2004 (Week 46)	Shortage of £8,243.10
18 th February 2004 (Week 47)	Shortage of £8,243.10 transferred to suspense account.
25 th February 2004 (Week 48)	Shortage of £3,509.18 + suspense account shortage.
3 rd March 2004 (Week 49)	Shortage of £3,509.18 transferred to suspense to give (Week £11,752.28, but further shortage of £3,512.26.
10 th March 2004 (Week 50)	Shortage rises to £10,653.11 + suspense account.

17 th March 2004 (Week 51)	Shortage rises to £11,210.56 + suspense account.
<u>23rd March 2004</u>	Post Office audit confirms shortage now (in Week 52) at £25,758.75. Mr Castleton suspended. Sum of £25,758.74 demanded. Lottery transactions in main shop to net value of £100.20 not accounted for.
24 th March 2004	Ruth Simpson takes over as sub-postmaster of Marine Drive.
26 th April 2004	Mr Castleton informed that PO considering summary termination of contract and offering opportunity for interview.
10 th May 2004	Interview of Mr Castleton by Catherine Oglesby.
17 th May 2004	Catherine Oglesby writes to Mr Castleton summarily terminating his contract from the date of his suspension.
28 th June 2004	Mr Jones, appeals manager, visits Marine Drive Branch.
1 st July 2004	Appeal hearing against dismissal.
9 th July 2004	Mr Castleton informed of decision by Mr Jones to dismiss the appeal.
21 st July 2004	Catherine Oglesby writes to Mr Castleton about a proposal sale by Castleton of the Post Office Business.
3 rd August 2004	Further letter from Catherine Oglesby concerning sale of the Post Office Business.
18 th August 2004	Demand for payment of deficiencies.
11 th February 2005	Statement of outstanding account sent to Mr Castleton showing £25,858.95 owed.

Procedural History

9 th June 2005	Claim Form issued.
15 th August 2005	Defence and Counterclaim
14 th September 2005	Scarborough County Court transfers the action of its own motion.

4 th October 2005	Order of Master Fontaine staying action for settlement
9 th November 2005 (sealed 10/11/05)	Order of Master Fontaine giving judgment for the Claimant
15 th November 2005	Reply and Defence to Counterclaim
9 th November 2005 (sealed 17/11/05)	Order of Master Fontaine giving judgment for the Defendant
8 th February 2006	Order of Master Fontaine setting aside default judgment against Claimant
13 th March 2006	Order of Master Fontaine requiring Defendant to file and serve Further Information by 31 st March 2006 and giving case management directions, including fixing trial window
10 th April 2006	Defendant's Further Information
18 th May 2006	Claimant's Disclosure List
19 th May 2006	Defendant's Disclosure List
22 nd June 2006	Trial date fixed
26 th July 2006	Draft Consent Order lodged
6 th September 2006	Court returns amended copy of Draft Consent Order for re-signing by the parties
4 th October 2006	Claimant's Application Notice seeking revised Case Management Directions and permission for clarificatory amendments
23 rd October 2006	CMC before Master Turner
27 th November 2006	PTR before His Honour Judge Seymour sitting as High Court Judge.
29 th November 2006	Defendant's witness statements and summaries provided.
5 th December 2006	Trial opens.