



Telephone attendance

Client: Royal Mail Group PLC Sub Postmaster Litigation

Matter: Mr Lee Castleton

Matter no: 348035.134

Attending:

Name: Stephen Dilley

Location: N/A

Date: 29 November 2006

Start time:

Units:

I had a telephone conversation with Mike Mason, replying to his voicemail. He said that he was a bit concerned about my email. He said that Geoff Porter had told me that he wouldn't get the report to me on Wednesday. He said that Mr Castleton's settlement negotiations had effectively put things on hold for a week and we had told them to put things on hold and that I had not emailed them to tell them to start moving again until after close of business on Friday 17 November. He said that he would find it difficult writing off all those costs.

I explained that I had not been back to the Post Office to confirm specifically what the position was on experts yet. However, I said that after the hearing on 23 October, I had told Geoff what the deadline was. I appreciated that we had also then told Geoff to pause doing any work whilst we were trying to settle with Mr Castleton and that when the matter had come on track again, this had caused everybody difficulty. For example I explained that in terms of getting a trial bundle ready, that it put us under real pressure plus disclosure lists. I said that nevertheless, we had managed to hit our (Bond Pearce) deadline. I said that I had actually spoken to Geoff before my 17 November email ie before close of play on the Friday to tell him to re-commence work and it was Geoff who had asked me to put it in an email.

I also said that in Geoff's 20 November email, he had said that he would get the draft report to us "by the end of this week" and that it could be finished on Wednesday 29 or Thursday 30. I had then replied to him stating that if Geoff could get his draft to me asap but before no later than close of play Friday, then that would be great. I also said that if we didn't get the final version before 29th or 30th, we wouldn't be allowed to reduce it.

I said that Friday came and went, but I never even received a telephone call from Geoff to tell me that the draft wasn't arriving. I said that if I had got the draft on Friday even later on in the day, then I would have reviewed it over the weekend and we would have asked the court to give us a short extension to get the final version ready. I told Mike the difficulty was with the court is that we couldn't divulge the reasons that the report hadn't been done because all the dialogue with Mr Castleton had been on a without prejudice basis.

I then said that although Geoff had previously indicated to me that he was going to be away on Monday, I had tried to contact both Geoff and Mike on Monday (having not received the draft report on Friday) whilst on the way to the PTI hearing to get a copy then. I had also asked Tom Beezer to try and contact them plus I had asked my trainee Thomas Bourne to contact them. However, there was no getting through and even if we had got the draft at that late stage, it would have been difficult, but probably not impossible, to persuade the court to allow us to reduce it.

In summary, I said that on the one hand, the Post Office may want to know why they should pay for a report that they cannot use and which they may not be able to recover the costs from Mr Castleton. I said that if they can recover the costs of it (or assess costs of it) from Mr Castleton at the end, then this is not an issue at all. However, if they can't (and I anticipate that they probably won't be able to), then this may be an issue.

Mike said that he understood my position. I reiterated that it was not without sympathy, but given that we didn't get the draft, the court made the order it did.

Agreeing with Mike that we will review again at the conclusion of the trial, but that in the meantime, he will email to me the report in draft because he says that it will give us some ammunition to use for our counsel, so we can tell the Post Office that they will be able to use it that way.

30 minutes