



Personal attendance

Client: Royal Mail Group PLC Sub Postmaster Litigation

Matter: Mr Lee Castleton

Matter no: 348035.134

Attending: Thomas Born

Name: Stephen Dilley

Location:

Date: December 2006

Start time:

Units:

Meeting Thomas Born at 10.00 am at the Royal Courts of Justice. Thereafter attending the Court Offices and together with Tom, updating the Court bundles by adding further pages, several of which were received from Mr Castleton recently that he wanted included but also updating the Indexes of all bundles. Having to wait for two of the bundles to be given to us because they were with the Applications Judge.

Also meeting Mr Castleton in the morning at Court coincidentally. He was there to try to withdraw his application for an adjournment of the Trial but was told that he could not withdraw it and would have to go before the Judge this afternoon.

Thereafter, Tom and I attended Maitland Chambers where we met Counsel, Richard Morgan, and his pupil, Michael. Tom and I updated Richard Morgan's bundle with various additions that had been made since the Trial bundle had been despatched to him. Also updating the bundles for the witnesses and our own bundle which we had previously DX'd to Richard's Chambers for administrative convenience. This took quite a while – most of the morning. From about 12.45 pm until 1.45 pm breaking for lunch (time not recorded). Thereafter returning to Maitland Chambers for 1.45 pm. Going over various issues with Richard Morgan including the following:-

1. He had been going through Mr Castleton's cash declarations – the ones that Mr Castleton typed into the computer, plus the manual records. He had been trying to work out what the weight was of 50p pieces and 20p pieces and what their weight would have been that Mr Castleton received, so that he can try to show the Court that Mr Castleton's cash declarations were not accurate. The Court may at that stage decide there is no case to answer and deal with the matter very summarily. Going through various examples of this with him.

Also Richard wondering if we could get hold of the cash remittances out from the branch ie back to the Post Office, plus a breakdown by denomination of the cash received. Pointing out to Richard that we already had a breakdown by denomination of the cash declarations but thereafter e-mailing Graham Ward and telephone conversation with him and he would try and get me a breakdown of cash remittances out but doesn't believe we will be able to get down any breakdown by denomination of cash received as this would be an extremely large amount of work and they would have to go through manual records.

2. Also discussing with Richard Morgan the without prejudice save as to costs bundle. We had removed some purely without prejudice correspondence from that as opposed to without prejudice save as to costs correspondence. Giving him an updated bundle.

3. Discussing the Alan Brown case with him. We had received no more information from the Post Office and explaining to Richard that I had spoken to Mandy Talbot that morning and

she was trying to get some more information and also that Mr Brown had called our Plymouth Office and said that he couldn't make the Trial.

4. Richard giving me an example of cash account week 42 and also running through his likely cross-examination of Mr Castleton. For example in week 42 he received £161 in 50p's, 590 in 20p's - a difference of 1424 lbs ? ie 23.5 kgs. There were some more discrepancies in the 20p's.

After lunch attending Court and waiting for a slot before the Applications Judge, Mr Justice Burton. We had a short hearing before Mr Justice Burton in which he said that this had been listed before him because the Court had been hoping that the Trial Judge would be available this afternoon, although he was not. Mr Justice Burton was concerned if he could assist with anything. Richard Morgan said he thought it would be better if he could do the opening and take the Judge through the onus of proof etc for the Trial Judge and similarly the Trial management issue should go to the Trial Judge. As to the questions of costs, the parties had agreed that they should put their costs in the case because Mr Castleton had tried to withdraw his application to adjourn that morning.

Outside Court also explaining to Mr Castleton that it has not been possible to add to the bundle the documents he sent us extremely recently being the fold-out blank cash accounts and the example of the P242. There were no objections to him showing that to the Trial Judge. Mr Castleton asked us whether we wanted to cross-examine Mr Brown and we said that we were still waiting to know from the Post Office what the issue was and we couldn't say yet at this stage.

At about 4.00 pm in the afternoon returning back to the City Inn. Upon arrival, talking with Mandy Talbot and updating her on the day's events. Leaving a voicemail and text message for Miss Morgan as she had not picked up her e-mail which I had Adrian Bratt send to all the witnesses this afternoon to up-date them on when they were likely to be needed.

Also in the morning before attending Court I had telephone conversation with Rob Ismay, Head of Criminal Law at the Post Office and put him on standby to give evidence if required in relation to the case.

Time engaged during the course of the day on telephone calls etc: 6 hours