

11 July 2007

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Our ref:
SJD3/KAK2/362318.29
Your ref:
AM/SH/SOM6-1

Dear Sirs

Post Office Limited v Mrs T Somaskandaraja

Thank you for your letter dated 6 July.

We are considering the position in relation to the documents that you allege were removed from the branch by Mr George and Ms James on 21 October 2004. Doubtless you will have advised your client that if she were to make a pre-action disclosure application pursuant to CPR 31.16, that the general rule is that the Court will award the person against whom the Order is sought their costs of the application and of complying with any Order made on the application (pursuant to CPR 48.1(2)). In other words, the usual rule would be that Mrs Somaskandaraja would have to pay Post Office Limited's (**POL**) costs of and occasioned by any pre-action disclosure application.

Pursuant to CPR 31.16, the Court would have to be satisfied that POL's duty would by way of standard disclosure extend to the documents of which you seek disclosure. Pursuant to CPR 31.6, standard disclosure requires a party to disclose only the documents upon which he relies and which adversely affect his own or another party's case or support another party's case. Bearing this in mind, please explain how each of the documents you seek disclosure of fall within CPR 31.6, particularly given the detailed explanation we have provided you with about the workings of the Horizon system in our 7 June letter.

Your timescale of supplying documents is unrealistic, without providing any further information. So that we can consider the issue further, please let us have your response to the following comments which relate to the documents you have requested:

1. Weekly cash accounts
 - (a) please specify the dates of the weekly cash accounts which you assert were removed.
 - (b) All of the error notices that we sent to you with our 7 June letter post dated Mrs Somaskandaraja's dismissal, so they would not have been brought to account in any cash accounts pre-dating 21 October 2004. Given that is the case, please also confirm how weekly cash accounts you allege were removed fall within CPR 31.6.
2. Please explain what you mean by "balances carried forward" as this is not understood.
3. Letters re Horizon. Please confirm:
 - (a) the approximate dates of the letters allegedly written from your client to the line manager regarding problems she allegedly had with Horizon; and
 - (b) what problems with Horizon your client apparently encountered, when she encountered them, what effect she states those problems would have had and whether the problems were resolved.
4. Helpline queries
 - (a) Please confirm the approximate dates of telephone calls made to the helpline and to which helpline they were made.
 - (b) Please explain how reference numbers in respect of helpline queries would fall within CPR 31.6. Are the numbers (if they exist) merely intended to evidence your client's assertion that she telephoned a helpline at some point in time?
5. Please confirm what reports your client alleges were removed and what dates these cover.

We look forward to hearing from you as soon as possible.

Yours faithfully

Bond Pearce LLP