

GRO

Personal attendance

Client: Royal Mail Group PLC Sub Postmaster Litigation

Matter: Mr Lee Castleton

Matter no: 348035.134

Attending: Counsel's Chambers

Name: Stephen Dilley

Location: N/A

Date: 6 December 2006

Start time: 9.15 am

Units:

Attending Counsel's Chambers at 9.15 am for a pre-meeting before the Trial got underway today. Receiving four e-mails in from Mandy Talbot, three of which related to Mr Alan Brown's Post Office in Falkirk, Scotland. Mr Alan Brown was a witness who had been summonsed by Mr Castleton. Apart from an e-mail produced by Mr Castleton that was from Mr Brown, we did not know what Mr Brown was going to say. Therefore we had asked Mandy Talbot to investigate and come back to us. Her three e-mails suggested that there had been a problem at the Falkirk branch with the Post Office system. Therefore I had a telephone conversation with Brian Pindar (Fujitsu) then, at his request, Peter Sewell (Fujitsu) to ask them to investigate this urgently this morning and report back. Forwarding Mandy Talbot's e-mails to Brian, Peter and Richard Morgan.

Also I had a telephone conversation with Adrian Bratt and asked him to summarise the information that Mandy Talbot had sent to me given that I could not open the attachments as I only had a Blackberry with me.

Attending the Trial which commenced at 10.30 am and lasted until 4.30 pm (time not recorded being 1 hour for lunch during which time I worked constantly on the case though). After the Trial we went back to Counsel's Chambers until approximately 5.15 pm. See my hand written note of the Trial together with Thomas Born's typed note. Basically today was Counsel's opening plus some case management directions which included the following:-

1. The Judge agreed that the burden of proof was on Mr Castleton to show that his accounts were wrong or what was wrong with the IT system;
2. Mr Bajaj need not attend to give evidence given that Mr Castleton confirmed all Mr Bajaj's is saying is that he did not get sufficient help when he had IT problems;
3. The sub-postmaster from West End Lane is not entitled to come to Court to give evidence because Mr Castleton failed to serve a witness summary of what he was going to say, in time, in accordance with the order of Mr Justice Seymour dated 27 November 2006.
4. Mr Alan Brown need not attend to give evidence – his e-mail will stand as his evidence in chief. Richard persuading the Court that it would be disproportionate to allow him to give evidence beyond that because for us to meet Mr Castleton's case we had, just for the Marine Drive Branch, produced numerous lever arch files of transaction logs, events logs, call logs and various receipts. To now repeat the whole exercise again for Mr Brown would effectively amount to two trials and would be disproportionate. The case law said therefore the Court can exercise its discretion to exclude such evidence. In any event Richard explaining that the Post Office distinguished its case from Mr Brown's because the computer set up was different (this is true as it is what Mandy Talbot had told us at lunchtime).

After the hearing, updating Mandy on the outcome of the day and also telephoning each of our nine witnesses to confirm when they needed to attend Court on Monday and that several of them should bring overnight bags.

Leaving Chambers at approximately 5.15 pm and afterwards updating Tom Beezer on the day's events.

Time engaged throughout the day – 7 hours (time not recorded for lunch, but working during this time) preparing attendance note – 12 minutes