

**Stephen Dilley**

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**From:** mandy.talbot [GRO]  
**Sent:** 05 April 2006 09:51  
**To:** Stephen Dilley  
**Subject:** Re: Bajaj and Castleton

If that is the best time fore everyone else I can work with it.  
Please note that Friday is my last day in the office until 24/4 and then I will be baed in London with new telephone details but my mobile number will remain the same.

Regards

Mandy Talbot  
Litigation Team Leader  
Company Secretary's Office  
Legal Services

Royal Mail, Impact House, 2 Edridge Road, CROYDON, CR9 1PJ

Postline: [GRO] STD Phone: [GRO] Fax: [GRO], Mobile:  
[GRO]  
External Email: [GRO]

"Stephen Dilley"

[GRO]

To: [GRO]  
cc: "Ian Herbert" [GRO], "Tom  
Beezer" [GRO]  
Subject: Bajaj and Castleton

04/04/2006 10:35

Dear Mandy,

Following your recent discussion with Tom, I have provisionally arranged a joint telephone conference to take place this Friday 7 April at 10.30am with you, us and Ian Herbert to brainstorm what I.T information we seek and how to get more meaningful information from Fujitsu and internally at the P.O. Is this a good time for you? If so, I propose to contact you then.

I look forward to hearing from you.

Kind regards.

Stephen Dilley  
Solicitor  
for and on behalf of Bond Pearce LLP

DDI: [GRO]  
Main office phone: [GRO]  
Fax: [GRO]  
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**Stephen Dilley**

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**From:** Ian Herbert [GRO]  
**Sent:** 04 April 2006 10:17  
**To:** Stephen Dilley  
**Subject:** RE: Post Office - Bajaj and Castleton

Cheers,  
My direct line is [GRO]  
Regards,  
Ian.

-----Original Message-----

**From:** Stephen Dilley [GRO]  
**Sent:** 04 April 2006 10:13  
**To:** Ian Herbert  
**Subject:** RE: Post Office - Bajaj and Castleton

Thanks. Shall we say 10.30am? What number should we call you on?

---

**From:** Ian Herbert [GRO]  
**Sent:** 03 April 2006 15:09  
**To:** Stephen Dilley  
**Cc:** Tom Beezer  
**Subject:** RE: Post Office - Bajaj and Castleton

Friday is now good for me.  
Regards,  
Ian.

-----Original Message-----

**From:** Stephen Dilley [GRO]  
**Sent:** 03 April 2006 09:28  
**To:** Ian Herbert  
**Cc:** Tom Beezer  
**Subject:** RE: Post Office - Bajaj and Castleton

Thanks for your email of 31 March.

I look forward to hearing from you during the course of today re availability on Wednesday or Friday. I'll then go back to Mandy.

Kind regards.

Stephen Dilley

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**From:** Ian Herbert [GRO]  
**Sent:** 31 March 2006 18:21  
**To:** Stephen Dilley  
**Cc:** Tom Beezer  
**Subject:** RE: Post Office - Bajaj and Castleton

Sorry. I have been tied up all day on a particularly large group action. Next week is tricky. I may have to be in London 1 day but don't know which day yet. Could I tentatively suggest Wednesday or Friday but will know more on Monday once I have made a few calls.  
Regards,

Ian.

-----Original Message-----

**From:** Stephen Dilley [GRO]  
**Sent:** 31 March 2006 10:30  
**To:** Ian Herbert  
**Cc:** Tom Beezer  
**Subject:** Post Office - Bajaj and Castleton

Dear Mr Herbert,

I tried to call you this morning and left a message.

Mandy Talbot would like a joint telephone conference with us next week to brainstorm what I.T information we seek and how to get more meaningful information from Fujitsu and internally at the P.O in our respective cases.

Mandy cannot do Monday am or all of Tuesday. Please could you give me a call to confirm your availability?

I look forward to hearing from you.

Yours sincerely,

Stephen Dilley  
Solicitor  
for and on behalf of Bond Pearce LLP  
DDI: [GRO]  
Main office phone: [GRO]  
Fax: [GRO]  
[www.bondpearce.com](http://www.bondpearce.com)

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Stephen Dilley

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**From:** mandy.talbot **GRO**  
**Sent:** 29 March 2006 18:31  
**To:** Stephen Dilley; Tom Beezer  
**Subject:** Re: Post Office Limited v Lee Castleton

**Attachments:** BM Shobnall Road SPSO 150405.doc; fad 213337 dec 04 to mar 05 calls Marine Drive.xls; fad 140114 dec 04 to date Torquay.xls; Torquay rd.doc; fad 233313 dec 04 to mar 05 calls Bowburn.xls



BM Shobnall Road fad 213337 dec 04 fad 140114 dec 04 Torquay rd.doc (30 fad 233313 dec 04  
SPSO 150405.d... to mar 05 ca... to date Torq... KB) to mar 05 ca...

Stephen

I have no objection to the slight delay and agree that it suggests a inability to answer the questions properly.

Availability between now and 4/5/06. I am on annual leave between and 10 and 23 rd April. My whole team is moving from Croydon to Old St on the 12/4/06 so its going to be a tricky old time.

I have no dates which cannot be moved in my diary after I return from leave though a few days grace would be useful.

Tom

The proposed bill including counsel's fees feel fine given the horrendous amount of work which has been done on this file since the original slip up last year.

Both

I copied you into my epic e-mail 1/3/06 but the response to the same has been limited in the extreme.

I attach the responses of Graham C Ward and Dave Hulbert. I have also been contacted by John Cole asking for assistance in preparing a spec for an external expert or experts but I think that this is of limited use until we have reports completed by Fujitsu on the system and POL on the data provided. However in respect of an external expert from the field of computer systems and accounting can you suggest any names or firm who may be suitable?

Stephen

In the collation of evidence did you come across anyone who you believe could actually interpret the information which was obtained from Fujitsu via Graham or the paper documents which were available from the Post Office. As you can see I am still getting the run around on these cases by people who are not prepared to assist.

Please can you review the information which has been obtained from Graham and Dave which I assume you now have or can get.

1

Mandy

Firstly, apologies for the delay in replying, I've just returned from annual leave. I did have a brief chat with Dave on receipt of this e mail

re: the call logs and he agreed that he would obtain them (in Excel format) from the NBSC at Dearne.

To clarify, the call logs that I can obtain from Fujitsu are those that relate to technical faults with the system (printer problems / monitor faults etc) and which are dealt with by the HSH (Horizon System Helpdesk) only .... any calls that relate to procedural problems on Horizon are dealt with by our own NBSC Helpline, details of which can be obtained by Dave. (The NBSC can also provide brief details of the HSH calls as well, but I don't think they go into the same depth as the details we receive from Fujitsu)

With regards to my knowledge of Horizon, I can obtain data as and when required being the SPOC between PO Ltd and Fujitsu, but I do not have the working knowledge of the system to analyse data and comment on whether Horizon was working correctly or not, or whether transactions have been processed correctly and may have affected the office balance. I know Tony U has agreed to have a look at the Marine Drive data, but he is still waiting to hear exactly what information needs analysing.

- Fujitsu should be able to offer a technical perspective of the system working properly. I have searched my records of previous statements received and have found one where Brian Pinder's predecessor Bill Mitchell provided a statement (see below) commenting on individual calls to the HSH and then including a general paragraph stating that "None of these calls would have had an effect on the integrity of the data on the system...". Perhaps I should formally ask Fujitsu to provide a similar type statement in respect of Marine Drive & Torquay Road, what do you think ?

(See attached file: BM Shobnall Road SPSO 150405.doc)

If someone within PO Ltd can then provide a similar type statement in respect of NBSC procedural calls, I think we will then have all areas covered but this, as we discussed at the meeting needs to be coordinated by one 'expert' , has someone been appointed ?

Just to clarify my understanding of where we are at this moment in respect of all 3 cases

#### Marine Drive

With regards to Castleton, we have the transaction data and HSH call logs covering the 01/01/04 - 31/03/04, this does not include calls made to the NBSC.

Presumably Dave will have now obtained the NBSC call logs for this period, or is there a further period of HSH calls required ?.

In your e mail below, you mention the period 01/12/04 - 31/03/05, is this a new period of data / analysis required ?

#### Torquay Road

We have the transactional data covering the 01/03/05 - 31/08/05 and HSH calls covering 10 days 11/11/05 - 20/11/05. I will request data to cover the new dates namely 01/08/04 - 28/02/05 and 01/09/05 - 21/12/05. I will also ask for details of all HSH calls to cover the entire period.

In respect of the new case at Bowden, I will arrange to obtain all data covering the period 04/02/04 - 22/02/06. I will also ask that Fujitsu provide us with details of all calls made to the HSH. Presumably Dave will obtain the NBSC version of calls over the period. When received I'll let you know and you can advise me who to pass the information onto. If we need to ask for a statement from Fujitsu outlining calls details we can do, but I won't ask for one at this point.

Fujitsu's responses thus far haven't really helped answer the questions posed in each case, their written responses have been brief to say the least.

My own opinion therefore is that PO Ltd needs to cover off all questions relating to office mis-balancing & transaction details, (we should have NBSC call records detailing any issues brought to our attention) and that Fujitsu should provide us with a general statement for each case (as per the statement above from Bill Mitchell) detailing calls made to the HSH. If you agree then I will ask Brian Pinder to provide such a statement in respect of Marine Drive & Torquay Road covering the periods detailed above.

No doubt we'll speak soon.

Regards

Graham

Casework Manager  
Post Office Ltd Investigation Team

PO BOX 1, CROYDON, CR9 1WN

Postline: N/A, STD Phone: **GRO**, Fax: **GRO**, VoiceMail: **GRO**  
N/A, Mobex: **GRO**, Mobile: **GRO**, External Email: **GRO**  
2

Mandy,

I'm forwarding you on the reply from my team - it's adding to your email - from me in Red and Gary in reply in Blue. Apologies for the delayed response.

With regards to the Excel attachments - Gary covers most of it off in his text, but with regards to the one for Marine Drive theres only one entry i.e. the second one on the HSH tab that has any bearing on potential losses - but it looks like BAU stuff.

Should you need anything else, please let me know.

Regards  
Dave

Head of System Operations  
Operations Control  
Post Office Ltd

Postline: **GRO** STD Phone: **GRO** Fax: **GRO**, VoiceMail:  
, Mobex: **GRO** Mobile: **GRO** External Email: dave.hulbert **GRO**  
----- Forwarded by Dave Hulbert/e/POSTOFFICE on 13/03/2006 17:05 -----

Gary Blackburn  
To: Dave Hulbert/e/ **GRO**  
10/03/2006 13:53 cc: Adam Martin/e/ **GRO** Nicola  
Wood/e/ **GRO**  
Subject: Re: Horizon URGENT Private and Confidential(Document link: Dave Hulbert)

Dave  
I have added comments / MI etc in blue text underneath each action point.  
regards  
Gary

Adam / Nic  
Can we discuss this process on my return from A/L please.

Systems Live Service Manager  
Post Office Ltd  
Operations

1st Floor, Post Office Ltd, Cortonwood Business Park, Cortonwood Drive, BARNSLEY, S73 0TB

Postline: **GRO** STD Phone: **GRO** Fax: N/A, VoiceMail: N/A, Mobex: **GRO** Mobile:  
**GRO** Mobex -  
**GRO**  
External Email: **GRO**

Dave Hulbert  
To: Gary Blackburn/e/ **GRO**  
03/03/2006 10:58 cc: Adam Martin/e/ **GRO** Nicola  
Wood/e/ **GRO**  
Subject: Horizon URGENT Private and Confidential

Gary,

I'm asking you in your old capacity to kick off the actions I've added to this long email (highlighted in red).

Some of this would reside with you in future anyway, such as the incident capture of any potential claims or noise about Horizon creating losses.  
Also the production of the relevant MI.

I could do with an initial response by Tuesday next week, with a more detailed one by next Friday, please.

Adam, Nic, - at this point in time this is for info. although I suspect Gary may need to use one of your team to assist with this. Also I'd welcome your views on how we can tighten up going forward i.e. working proactively with Fujitsu to avoid such claims in the first place - tall order but I'm sure there's things we can do.



Thanks  
Dave

----- Forwarded by Dave Hulbert/e/POSTOFFICE on 03/03/2006 09:30 -----

Mandy Talbot  
To: Tony R Utting/e/ [GRO] John  
Legg/e/ [GRO],  
01/03/2006 14:41 Lesley Joyce/e/ [GRO] Alvin  
West/e/ [GRO] Dave  
Hulbert/e/ [GRO] Marie  
Cockett/e/ [GRO] John D  
Cole/e/ [GRO] Graham C  
Ward/e/ [GRO] David X  
Smith/e/ [GRO] Keith K  
Baines/e/ [GRO] E, Mike C  
Gallagher/e/ [GRO]  
cc: Clare Wardle/e/ [GRO] Tom.beezer [GRO]  
stephen.dilley [GRO] ian.herbert [GRO]  
Subject: Horizon URGENT Private and Confidential

I write further to the meeting in December 2005 which most of us attended to bring you up to date with the current state of play.

I should be obliged if you could let me know in return what progress has been made with making a business case for the appointment of an individual to analyse data from Fujitsu for the benefit of POL and in particular to assist on civil claims?

If the case has been accepted have any steps been taken towards making an appointment? If not when is this likely to occur?

Castleton- formerly of Marine Drive Branch office

For the benefit of you who are new to this matter, Castleton was a sub postmaster whose contract was terminated and who was sued by POL for approximately 25K. His response was to assert that it was a fantasy debt created by the HORIZON system and as such he should not be asked to repay the sums. Due to an error judgement was entered against POL on his counterclaim for an unspecified sum of money. I am pleased to report that he has now been persuaded to consent to that judgment being set aside.

Evidence has been obtained from his retail line manager, auditor, area intervention manager and appeals manager which is robust in detailing with why his contract was terminated and the basis for it. The area which does remain to be clarified is his allegation that there was something wrong with HORIZON and on which precise dates it went wrong, as the totality of his evidence so far is that it went wrong between December 04 and 23/03/05.

Castleton has obtained an accountants report in support of his claim but its findings are incorrect because it has assumed that the daily trial balances or snap shots actually represent the amount of cash which was in the office at any one time.

Graham has obtained access to the Fujitsu data for marine drive for December to March and also the helpline logs. Graham can you confirm whether these are all the calls logged from Marine Drive or merely the ones logged onto the HORIZON call desk? If so can you now arrange to obtain all of them. Can we have the NBSC incidents for this branch between 1st December 2004 and 23rd March 2005.

(See attached file: fad 213337 dec 04 to mar 05 calls Marine Drive.xls)

Dave Hulbert - if you were provided with these would it be possible to drill down into the data to discover what was done to try to assist the postmaster and whether or not this cured the alleged problems? Would a member of your team be able to give a statement dealing with the number of calls, the resolutions and if any approaches to Fujitsu were considered warranted and if not why not? I need a view on how long it will take to review the relevant incident logs i.e. those relating to balancing, losses, gains, system "faults" etc.... I also need to know whether we made any representation to Fujitsu with regards to this branch.

Investigating the call logs was done by Rich B ( unsure of the date early 2005, but he did e mail you with his conclusions ) Richard's conclusion was that this wasn't a system error . He did note a pattern with regard to a new member of staff who started work in October 2004 and removal of that staff member in March 2005. It took Richard 1 day to investigate the calls thoroughly . Richard also spoke with Graham Ward and POL security with regard to this issue. Fujitsu would interrogate / provide message store information on balancing , losses etc. Richard can't remember whether or not this happened but says that this would be a normal activity when investigating this type of scenario. If you can't find the email in your archive we would have to do this work again.

Graham has also asked Fujitsu for their assistance with less than impressive results. I attach as a PDF document a copy of the exchanges.

Tony Utting has provided me with a useful draft statement which he created which attempts to explain to the Court how the HORIZON system works. I appreciate that this will now need some work to bring it up to date. Please could somebody from the technology side of the business volunteer to up date this document. This document could usefully form the basis a report from Fujitsu or the business with the specific detail about the system and the particular office added onto the end.

I should be obliged for your comments upon what we believe that Fujitsu should be able to provide by way of evidence and what they are obliged to provide under the contract.

I would have thought that as a very minimum they should be able to say that they have run a check on the whole network between 1/12/04 and 31/3/05 and can confirm that either there were no problems affecting the whole system, detail the ones which did occur, comment upon which areas they affected and whether they would be likely to cause the problems complained of by Castleton. I'd like your views on this - I'm down the lines of thinking the last part of this request is perfectly reasonable i.e. state any problems that could have caused the issues or a statement of no relevant issues. In the meantime, I will forward elements of this on to Fujitsu for comment.

I don't see any reason why Fujitsu couldn't supply this information or a combination of Fujitsu , P&BA ( error notices / TC'S ) and Marc Reardon for releases that possibly related to known problems . If Fujitsu concur this can be built into the new process around investigation of these issues.

I would have thought that Fujitsu should be able to check the system with particular reference to Marine Drive between the dates above and possibly afterwards to confirm whether or not they have found any evidence of the problems complained of by Castleton. Castleton's lawyers claim that the current postmistress is experiencing identical problems! We must look into this! i.e. let's have a look at the incidents raised from April 2005. I need to know whether there's any justification for this allegation.

Dave 12 incidents have been raised with HSH since April 2005 , 66 with NBSC. no evidence to support the lawyers claim unless the issue is with regard to the Auto Rem process. The branch appears to have had some user related issues around May 2005 but NBSC have explained the reason for these. These calls are within the marine Drive spreadsheet attached above.

Do we think that a site inspection by Fujitsu would have any merit as I recall being told of cases where problems were caused by family members hacking in and abusing the system or where rare geographical conditions caused problems?

Lastly do Fujitsu know enough about POL products and systems to comment on the data produced or would this be a job that can only be handled by someone within the business? If so who other than Tony and Graham now have the knowledge to go through the data to determine whether there is evidence of the system malfunctioning? I'd like a view on who has the skills - Graham and Tony being Investigations still seem to me to be the best option, but do we have others?

I'm not sure why Fujitsu would need in depth product knowledge? Fujitsu understand the system and how transactions are processed.  
with regard to who within POL , I would suggest design authority type people or Training. e.g Katren Hillsden , Alan Orpe etc.

Are there any other matters we believe that Fujitsu could comment on that would assist us in demonstrating the robustness of the system in the round and in the circumstances of this case?

The agents dealing with case need instructions from the business on how to proceed now that the judgement has been set aside on the following matters  
should we try to settle the claim  
should we apply for further and better particulars of his evidence  
should we employ agents to investigate Castletons finances  
should we offer mediation again



expert evidence  
on which I have given some preliminary comments.

Please may I have your comments?

Given the existence of the cases of Bajaj and Bilkhu together with the publicity given to HORIZON problem in The Subpostmaster I think that to settle the claim now ,even on confidential terms, may cause almost as much harm to the business as fighting and loosing the claim. The statement evidence is good but this case will be won or lost on the quality of the internal and external reports on the data produced by and on the robustness of the HORIZON system.

I think that there is very little to loose in making a formal application for further information about precisely what Castleton thinks is wrong with the system and for details of the precise dates on which he claims the problems arose. The difficulty with addressing his vague allegations is the fact that they cover such a long period of time given the enormous number of transactions which will have occurred during that time and if we can narrow them down it will make any investigation much more cost effective.

He will also be asked for precise details of the elements which make up his counterclaim as they are extremely vague at present. The response to this should at the very least advise us as to the potential maximum value of the counterclaim.

In all cases it is advisable to try to ascertain if the person has the capital to meet a claim but in this case it may give us an indication of how much additional resource he can afford to expend on it. He appears to be financing the litigation privately and we have already managed to cast doubt on the assertions made by his accountants report thereby making it more or less worthless. He was not awarded the costs of the application to set judgement aside as the costs have been reserved to be dealt with at a latter date. He will probably also have to amend his defence and counterclaim which will all cost money and which may in total recommend a settlement to him.

I see no downside in offering mediation once more as if accepted it may force Castleton to take a more realistic view of his chances, whilst always looking good in the eyes of the Court and giving us additional time to select and brief an expert witness.

Selection of an expert witness will be crucial in this case. Preliminary enquiries should begin as soon as possible. The selection should demonstrate the importance that POL places on this matter so a well known firm with a national reputation should be selected. The firm and expert must have a firm grasp of technology. As this case may set the trend for future litigation firms should be invited to tender on the basis that expertise picked up in this case will lead to future work coming their way. For that reason it may be that a strong second tier firm may be preferable to one of the top four where such repeat work would not be so financially attractive.

I have seen and approved an agreement prepared by Fujitsu over the status of any information divulged to such an expert.

Can any of you make specific recommendations as to suitable firms or fee earners?

Bajaj - current postmaster at Torquay Road

Mr Bajaj has been complaining about the HORIZON system since Xmas 2004 and has alleged that it has manufactured errors which have resulted in him to date paying 14K to POL which he claims was not justified. He has resigned and withdrawn his resignation, written articles in the Subpostmaster inviting fellow postmasters who have suffered to contact him, complained to the Board, his MP etc. His allegations were not particularised to any degree until a letter before action with an accompanying schedule was received ,a copy of which I attach.

Graham I know that you have made Fujitsu aware of this problem and have received some limited comments from them copies of which I attach. Looking at the schedule attached to the letter before action can you confirm whether you have (a) all the fault logs between Torquay Road and the HORIZON helpline and the postmasters helplines between the earliest and latest of the dates referred to (b) can you request copies of the transactional data between the two revised dates as I believe the information which you have is more limited.

Dave Hulbert would your team be able to produce a statement based on the logs similar to one referred to in Castleton above. As per the request can the NBSC call logs be produced and the give an estimate of how long it would take to analyse the call logs.

(See attached file: fad 140114 dec 04 to date Torquay.xls)(See attached file: Torquay rd.doc)

Dave this work was done last year after the November edition of the subpostmaster contained a letter from Torquay Road. Interestingly one of the NBSC calls made by Marine Drive since April 2005 was requesting Torquay Roads contact details.

Tony/Graham unless the team is able to identify any other suitable person will you be able to analyse the transactional data to explain the so called discrepancies and losses. Many of the items in the schedule may not result in an actual loss at all and are probably part of the settling process which the accountants and solicitors do not appreciate.

Do we think that it would be sensible or useful for Fujitsu to arrange for an engineer to look at the HORIZON equipment just to eliminate local anomalies? What has been done, if anything, with this branch to date. I'm pretty sure we backed off sending one of the BIMs there for reasons of not wanting to aggravate the situation or compromise any individual.

Details are above but yes we did not send a BIM for the reasons you suggest.

New Case- Bilkhu postmaster at Bowburn Post Office.

I attach the claim form together with supporting schedule for Graham to order the help desk logs and transactional data. Graham's on leave now so can we provide the NBSC and HSD call logs, please.

(See attached file: fad 233313 dec 04 to mar 05 calls Bowburn.xls)

I will put our agents in touch with the relevant members of staff within POL who may have partially investigated this claim already.

Correspondence from Tolhust Fisher indicate that they have been contacted by another disgruntled postmaster but they are not as yet instructed on his behalf.

Keith and Dave Hulbert have brought the case of Hughie Noel Thomas to our attention as being yet another discipline case where HORIZON is being blamed. Also that of Hogsworth Post Office Skegness.

All the above emphasise the importance of identifying and appointing a suitably qualified member of staff who can deal with the investigation of these claims swiftly and robustly so as make other postmasters less inclined to expend money on making claims in the future.

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

Regards  
Mandy Talbot  
Litigation Team Leader  
Company Secretary's Office  
Legal Services

Royal Mail, Impact House, 2 Edridge Road, CROYDON, CR9 1PJ

Postline:  STD Phone:  Fax:  Mobile:

External Email:

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>>>> email  
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Mandy Talbot  
Litigation Team Leader  
Company Secretary's Office  
Legal Services



\* Royal Mail, Impact House, 2 Edridge Road, CROYDON, CR9 1PJ

Postline:  STD Phone:  Fax:  Mobile:  
  
External Email:

"Stephen Dilley"

To:   
cc:

Subject: Post Office Limited v Lee Castleton

28/03/2006 19:31

Dear Mandy,

I refer to my e-mail of 20 March.

I attach a fax from Mr Castleton's solicitors dated 28 March, just for your information. They state that they will not be in a position to serve a reply to the Part 18 request this coming Friday because of the "logistical" difficulties. My reading of this is that they may well be in difficulty properly answering the questions we have raised. They have asked for a short extension until 7 April to reply to the Part 18 request and I propose to agree. I will revert to you once we have received their Part 18 Reply.

In the meantime, I would be grateful if you could provide me with your availability before 4 May to attend the mediation.

Kind regards.

Stephen Dilley  
Solicitor  
for and on behalf of Bond Pearce LLP

DDI:   
Main office phone:   
Fax:   
www.bondpearce.com

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A list of Members is available from our registered office. Any reference to a Partner in relation to Bond Pearce LLP means a Member of Bond Pearce LLP.  
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Bond Pearce

# Telephone attendance

Client: Post Office Limited

Matter: Mr Lee Castleton - DEBT £30027.47

Matter no: 348035.134

Attending: Cheryl **GRO**

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Name: Laura Peto

Location: N/A

Date: 28 February 2006

Start time: N/A

Units: N/A

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Attending OUT.

LRB confirming that she will request the information and update me.

**Laura Peto**

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**From:** Stephen Dilley  
**Sent:** 24 February 2006 18:49  
**To:** Julian Summerhayes  
**Cc:** Tom Beezer; Simon Richardson; Laura Peto; Gareth Kagan  
**Subject:** Post Office -v- Castleton

Dear Julian,

Since my last email, I have spoken to Mandy to agree the strategy moving forward. She said:

(1) Internally, the P.O feel conflicted about the Castleton case. The P.O believes to be the Horizon system is robust, but the downside is the cost (in P.O time and money) of proving a negative (i.e that there are no faults) is expensive. For example, she'd need to get a report from Fujitsu (who apparently have difficulty writing in plain English) and get someone in the P.O to review Fujitsu data to see if there are any anomalies.

(2) However, her view is that the P.O must not show any weakness and even if this case will cost a lot, there are broader issues at stake other than just Castleton's claim: if the P.O are seen to compromise on Castleton, then "the whole system will come crashing down" i.e it will egg on other sub postmasters to issue speculative claims. She knows that Castleton is talking to Bajaj (the other subpostmaster bringing a Horizon based claim). Her clear message is that we must be seen to take a firm line. With this in mind, our instructions are as follows:

(a) Please can you draft a Part 18 request on the Defence and Counterclaim, send it to her for approval and then fire it off to Castleton asap. (she agrees that we need to better understand his case and give him pause for thought. She thinks the counterclaim is weak because even if the P.O had dismissed him on notice (3 months) (which she thinks they can do w/out reason), instead of summarily, his compensation would be those 3 months pay. [We need to check the Subpmr contract to see if it says that and if so, ram this point home to him in the Part 18 e.g "Given P.O could have terminated on 3 months without reason and payment would be limited to £X, please explain how you calculate your claim at £250k" -sthg a bit more sophisticated but along those lines]. She therefore thinks Castleton's counterclaim appears optimistic.

(b) Please can **Laura** arrange to do a discreet asset check on Castleton.

(c) Please can we draft and send directions to Castleton to include (1) He must answer the Part 18 by X date, then (2) a 1 month stay for settlement... etc The settlement point will make the P.O "looks good" from the Court's perspective but also will give Castleton a chance to settle. However, she is not holding much hope out for Castleton paying anything voluntarily and is mindful that making any concession to him could send out the wrong message and egg on other claims.

(d) The P.O does not have a preferred expert. She wants us to instruct a well known accountant with a speciality in IT (but not their auditors, Ernst & Young) e.g KPMG as expert. She thinks the expert will need a long time to understand the Horizon system (certainly a very full briefing and demonstration but for obvious reasons I suggest not exclusively at Marine Drive as Castleton owns it). The fact that Castleton's "experts" got it so wrong by misunderstanding the limited info they were given, amply demonstrates that the expert needs to be familiar with the system to get it right. We need to consider how to build this into the directions. (**Gareth** this will be an opportunity for us to make a decent referral to an accountant albeit not on the IP side, so we need to identify some potentials).

(e) Generally, she wants us to build a long time for everything in the directions because it is going to take her a while to get info from Fujitsu and an internal P.O report on Fujitsu info.

27/02/2006

I am copying this to Tom and Simon for info as it gives a useful insight into the way the P.O is approaching Horizon issues.

Kind regards.

Stephen

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**From:** Stephen Dilley  
**Sent:** 24 February 2006 14:56  
**To:** Julian Summerhayes  
**Cc:** Tom Beezer  
**Subject:** FW: Post Office -v- Castleton

Julian,

If I do not manage to speak to Mandy this afternoon, please could I ask you to drive this forward next week in my absence and give her a call on GRO. Tactically, I do not want us to take our foot off the gas now we have the initiative - it has taken a lot of work to get us there. However, I have had difficulty getting hold of Mandy to take instructions. My view is that:

1. P.O likely to be sensitive about pursuing this claim to trial because of Horizon issues and publicity. For no other reason than this, they therefore may want a settlement meeting. I think we should not have such a meeting until after we Part 18 Castleton and get reply, but before disclosure.
2. P.O appear to have a strong case despite not having all documentation, but position unlikely to become clear until expert independently confirms losses. We need to know if PO favour using any particular experts.
3. We need a strategy chat with Mandy to discuss how P.O wants to play this. See my thoughts below. If they want to do a discreet asset check, we can ask Laura to put this in hand.
4. If we go down the Part 18 route, we need to draft and serve sthg next week because we can then send out draft directions incorporating a requirement for Castleton to reply to the Part 18 request. Whilst I believe we should be doing a Part 18, Counsel is all for getting to trial asap so Castleton does not spend as much money on lawyers fees, reducing available assets for us to enforce against if we win. This is a commercial decision for the client, but I think Part 18 will push Castleton to settlement and give us a better idea of his defence and counterclaim and we should do this.

Many thanks. Stephen

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**From:** Stephen Dilley  
**Sent:** 24 February 2006 14:42  
**To:** 'mandy.talbot' GRO  
**Cc:** Tom Beezer; Julian Summerhayes  
**Subject:** Post Office -v- Castleton

Dear Mandy,

I tried to catch you today but you were engaged. It'd be great if we could catch up today, as I am away next week.

27/02/2006



Castleton's solicitors have today asked us to put forward a timetable for moving the case forward and invited us to organise the CMC to take place by telephone, to save costs. I'd like to discuss strategy with you so that I can reply to them. Now that we have served some strong evidence and set aside the default judgment, the P.O has the initiative and Castleton is on the back foot, so it would be great to capitalise on our advantage.

Please could you give me a call if you get a spare moment this afternoon? If not, please could you call my colleague Julian Summerhayes next week on [GRO] The CMC is on 10 March, so we'll need to send out a draft timetable to Castleton's solicitors shortly.

Kind regards.

Stephen Dilley  
Solicitor  
for and on behalf of Bond Pearce LLP  
DDI: [GRO]  
Main office phone: [GRO]  
Fax: [GRO]  
[www.bondpearce.com](http://www.bondpearce.com)

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**From:** Stephen Dilley  
**Sent:** 20 February 2006 17:33  
**To:** 'mandy.talbot' [GRO]  
**Cc:** Tom Beezer; Julian Summerhayes  
**Subject:** Post Office -v- Castleton

Dear Mandy,

I refer to my 7 February email.

I attach a copy of the sealed order setting aside the default judgment, just for your information.

The Court has listed a CMC to take place on 10 March 2006 where it will set the timetable for bringing the claim to trial. I have provisionally reserved Counsel to attend that CMC (since his attendance is likely to be more cost effective than mine). However, if we are able to agree directions with Castleton's solicitors before the next hearing, then we may be able to get it vacated and save the costs of an attendance.

I'd like to have a chat with you about strategy, so that we can try to agree a timetable with Castleton. It would be helpful to discuss the following points:

1. P.O's view of pursuing the claim in the light of the favourable evidence from John Jones, Cath Oglesby and Helen Rose, balanced against any broader concerns over Horizon issues;
2. Whether to make a Part 18 Request on the Counterclaim - i.e trying to "flush out" Castleton's position so we can better prepare for it and also to press him into negotiating;
3. Asset check - whether we should be discreetly checking Castleton's assets to see if he would have assets available for us to enforce against, if successful at trial;
4. Mediation/settlement - Castleton previously rejected the P.O's offer of mediation, but it would be interesting to see what his view is now in the light of the strong evidence served against him and our critique of his "experts" reports; and
5. Expert evidence - This case will turn mainly on the figures and I anticipate both sides will want to put forward someone to do a financial analysis. Is there anyone the P.O tends to use in

27/02/2006

these sorts of cases who you would prefer us to instruct?

I am around this week apart from Thursday and out of the office next week on holiday. Is there a convenient time this week for you?

I look forward to hearing from you.

Kind regards.

Stephen Dilley

Solicitor

for and on behalf of Bond Pearce LLP

DDI: [REDACTED]

GRO

Main office phone: [REDACTED]

GRO

Fax: [REDACTED]

GRO

[www.bondpearce.com](http://www.bondpearce.com)

**Laura Peto**

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**From:** Laura Peto  
**Sent:** 06 March 2006 15:17  
**To:** 'Global Investigations'  
**Subject:** URGENT - PRE-SUE/ASSET TRACE - LEE CASTLETON  
**Importance:** High  
**Attachments:** DOC\_1133332.DOC

FAO John Cooper

Dear John

I refer to the attached letter of instruction. You advised that you have not received it but agreed to instigate a search for me today. Please note that we are aware Mr Castleton owns the Post Office and are seeking to obtain even more details information in relation to the assets owned by him. We would be grateful if you would discreetly obtain as much information as possible about this subject and would advise that if you require to increase your budget to provide more substantive information, please let me know.

We would be grateful to receive your urgent response given that instructions were forwarded on 28 February.

Kind regards, Laura.

Laura Peto (AICM) Cert  
Paralegal Supervisor  
for and on behalf of Bond Pearce LLP

DDI:   
Main Office Phone:   
Fax:   
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06/03/2006

*Bond Pearce*

# Telephone attendance

Client: Post Office Limited

Matter: Mr Lee Castleton - DEBT £30063.11

Matter no: 348035.134

Attending:

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Name: Laura Peto

Location: N/A

Date: 6 March 2006

Start time: N/A

Units: N/A

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IFD with SJD3.

Being told he wants an a more details pre-sue report and is prepared to pay for it. We already know he owns the Post Office and want additional information.

Being told he cannot find out instructions and LRB agreeing to e-mail to him. Urgently require info. Being told he will deal with it now. (ref John Cooper).



24 March 2006

Land Registry York Office  
DX 61599  
York(2)

**URGENT**

**Bond Pearce LLP**  
Ballard House  
West Hoe Road  
Plymouth PL1 3AE

Tel: **GRO**  
Fax: **GRO**  
DX 8251 Plymouth

laura.petd **GRO**  
Direct: **GRO**

Our ref:  
LRB1/348035.134  
Your ref:

Dear Sir

**Lee Castleton**  
**Title Number HS98639**

We act for the Post Office Limited in this matter and are instructed to collect a debt on their behalf.

We enclose a copy of the Office Copy Entries for ease of reference and note that there is a Registered Charge dated 17 October 2003 in favour of The Royal Bank of Scotland PLC, 19 Huntriss Row, Scarborough, North Yorkshire, YO11 2ED.

Enquiries have revealed the value of the property but we are unable to establish the amount of equity that the proprietor has in the property. We understand that the amount of the loan is stated on the application for the registered charge and would be grateful if you would provide an office copy or confirm in writing if you are able.

We confirm that if you require a fee, we authorise you to debit our account (Key No: **GRO**).

We look forward to receiving your response as soon as possible and thank you in advance for your assistance.

Yours faithfully

Bond Pearce LLP

LAND REGISTRY  
YORK OFFICE  
JAMES HOUSE  
JAMES STREET  
YORK  
YO10 3YZ  
DX: 61599 YORK 2  
Tel: GRO

23 March 2006

*Your Ref:* LRB1/348035.134  
*Our Ref:* HS98639 /OC/249

### **Official copy/copies**

I enclose the official copy/copies of the document(s) you applied for.

Please contact the Land Registry office named above if you have any questions about the enclosed official copy/copies.

LRB1/348035.134

BOND PEARCE & CO  
DX 8251  
PLYMOUTH 2

*LR Credit Account Ref:* 23/03 63YK9XDG  
*Fee Debited:* £4.00

