

POST OFFICE ACCOUNT

FAD : 153405 Cleverleys Runnymede Ave, Thornton Clevely, Lancs, FY5 1DF

Review of Expert Witness Report : Claim CR101947

Report received 6th February from POL. Written by Jason Coyne from Best Practice Group plc. Law Society 2003 Accredited Expert Witness No. 229.

Background

POL have been in dispute with the Post Mistress (PM) of this Outlet since mid 2000. Essentially, POL had made a claim against the PM for losses at her Outlet against which she had counter-claimed that the problem was caused by the Horizon system and she was refusing to release the equipment as she believed an examination of it would vindicate her. A Court Order was made on 19th February 2003 that a computer expert examine the equipment.

POA's first involvement was a request made 8th August 2003 by POL that we provide a Witness Statement "about the Horizon equipment and what it contains (or doesn't) and give Mrs W a chance to object". I think what POL wanted to happen was for the Court to overturn the Court Order so that POL could recover the equipment.

[DN : Check my Daybook in CRE02 for any rough notes]

On 20th August I received a fax letter from POL explaining the situation and requesting a Witness Statement to the effect that there was nothing on the equipment that would assist the PM in her claim and that it should be returned.

On 21st August I replied, by email, explaining what the situation was, what information existed on the equipment and what would happen if it was switched on and that we would not allow 3rd parties access. I also explained how we could help POL. I received no reply to this email.

On 6th February POA received a copy of the Expert's report with a request from POL for an early response. POL are concerned that the Expert's opinion (that the system was at fault) might set a precedent against future POL prosecutions.

Note that this is a civil and not a criminal case and there is some doubt if case law from successful POL criminal prosecutions applies.

Today (12th February)

I've spoken with Jim Cruise (POL) and I get the impression that he/POL are quite concerned about this case. He confirmed that :

1. The equipment has still not been recovered.
2. The equipment was not examined as part of the Expert's review.
3. Their primary objective is to get the equipment returned.
4. There is a Case Management Conference on 25/02/04 where they would want to challenge the Expert's report if any such challenge were possible.
5. They want anything! that might indicate that Cleverleys was no better or worse than any other 6 Counter Outlet.

On P5. I have asked for an analysis of HSH calls from 01/01/00 to 20/11/00 for Cleverleys and 20 other 6 Counter Outlets chosen at random with full error code analysis. I should have this today/tomorrow (13th).

On P4. I shall be writing a report that brings together some of my email of 21/08/04 and a response to some of the opinions in the Expert's report. The risk is that we get into a 'no-win' argument about whether his opinion is valid or not. Blue screens and system freezes have always been a problem and the stock HSH reply has always been to re-boot.

This report should go to Keith Baines.