

NEIL WRIGHT

S O L I C I T O R S

TO: NICK JACKSON

FROM: PAM RIABY

DATE:

NUMBER OF PAGES TO FOLLOW:

FAX NO: 0151-227-3005

IF THIS FAX IS INCOMPLETE OR IS NOT CLEAR PLEASE CONTACT THIS OFFICE TO
CONFIRM.

AS DISCUSSED WITH YOUR CLERK. I KNOW YOU WILL JUST
LOVE THIS!

PLEASE COULD YOU DO A SHORT ADVICE ON APPEAL
TO COVER US

THANKS

PAM RIABY.

OTC - Telephoned Counsel and asked what the position was regarding the hearing on Monday basically to confirm if we are going ahead and if so what our grounds are.

He said that he felt he was under firm instructions to go ahead from the client and he had upon reading the papers come to the following conclusion.

We have perfect grounds for an appeal with particular reference to the papers settled by Peter Smith QC.

From the contents of our client's affidavit the barrister feels that he can make out a conspiracy therefore in the alternative we need to seek a judgment. The District Judge ought to have allowed grounds for appeal not struck the matters out.

If we win on Monday we should secure costs. It will then be necessary to look at the merits of the full action. He feels at the moment on the evidence available that there is not sufficient merit to pursue the action. It may well be necessary to have another conference following the hearing to assess where we go from there.

He asked that we have the client at Court for 10.15 am.

OTC then asked that I telephone the other side and pass on the following information to relay to their barrister.

1. We can make it on the contents of their pleadings. We will confirm we feel the District Judge should have allowed the appeal, not struck the matter out and there are various authorities. It turns out that their Counsel Timothy Grace is in the same chambers.

Engaged 1 call

OTC - Checked the file and found the notice of hearing. It clearly said the date was set for the 23rd June 1997. I telephoned the Southport County Court to verify this and spoke to Mrs Lang. She said that it was listed for MONDAY 23RD JUNE AT 2.00 pm NOT MONDAY 15TH JUNE 1997.

Engaged 1 call

OTC - Telephoned Counsel and broke the news regarding the hearing. He said that he was listed for a floater on that day but he would verify the position with his Clerk and get back to us this afternoon. He said that the Counsel for the other side is actually his room mate so he will be able to discuss the case with him.

Engaged 1 call

13.6.97

M E M O

TO NEIL

FROM DAVE

Neil, I have prepared brief instructions to Counsel, David Bennett. Mrs Dickson now wants a conference with David Bennett before her appeal which we have also briefed Mr Bennett to appear on that is due to be heard on the 16th June at Southport County Court. I deliberately kept the documents short not advised him that there is a voluminous bundle of documents that we have if he requires them. I have written to Mrs Dickson on the 14th April on your reference advising her that we would need £470:00 for the brief fee. We are obviously going to need more than that if we are going to have a conference. Despite me writing that I have been advised by Joan McEvoy in a recent telephone conversation that Anne Dickson offered to pay £2000:00 up front and you declined to accept that. I do not think that she has a cat in hell's chance and believe that there is a very good chance of us being landed with having to pay the brief fee. We certainly need to get the money from her beforehand because if she loses the property our costs and disbursements are going to be the least of her worries. You have done an invoice for her for £266.93 for two hours worth of work and three letters since then the following work has been done on the file:-

Preparation - 1 hour 40 mins

Letters Out - 13

Letters In - 11

Cont...

DICKSON BRADFORD & BINGLEY

File note Office Telephone call 3.9.97 Nick Jackson of Counsel

I spoke to Counsel for an update on the position. He said he was going to do an advice to reopen Legal Aid but obviously we needed to progress the position as regards to forensic accountants. I told him where we were up to in that regard and that I would fax him through a copy of the letter received from Grant Thornton. I also said I would fax him through a copy of the application received from the Solicitors for the Plaintiff which is returnable on the same date as our appeal. He said that under those circumstances Mrs Dickson would need to give Affidavit evidence and a full Statement should be taken from her detailing the whole matter from beginning to end and duly sworn. He asked that we should do the Statement in draft and I did confirm that he would have the opportunity of editing the Statement. He said that this was particularly important as he was eager to blot out the references that she constantly makes to the situation of foes of Weightmans and the related problems. He said that following the receipt of the faxed letters of Grant Thornton and the application he would be in touch as to the next steps. I confirmed that I would await hearing from him.

PR

OTC - Telephoned Bob Clegg for an update as to what Mrs Dixon's intentions are with respect to the hearing next week. He was not available as he had popped out so I left a message for him to call me back.

16.9.97

PMR

OTC - Bob Clegg telephoned. He wanted to re-arrange appointment. In view of the urgency suggested to move at 3pm. Booked it out in Neil's diary. He said in the view of what the advice says Mrs Dixon felt now it may be better to use a lesser barrister and just fight on the case that the grounds of the appeal are perfect and that we want our work before the DJ. I said I felt this needed explaining more fully and we should all discuss it together.

SIBRE TO LINDA AT WARRINGTON - OUTSTANDING ON OFFICE AT MOMENT IS A BALANCE OF £402.96 PLUS WE HAVE A FEE NOTE OFF BARRISTER FOR £1,498.13.

17.9.97

OTC - Spoke to Southport County Court re the Defence. She said that she felt it may well have been shredded as they had been told to shred everything up to 1991 at one stage but she would look into it. She found a Defence dated November 1987 and she said that she would fax it to me.

5.6.97.

Priz

OTC - Telephoned Counsel in Chambers and left a message for him to contact me re the Defence.

5.6.97. - Priz.

OTC - Nichols - Jackson telephoned. I told him I had managed to obtain a copy of a Defence and that I would have it faxed through straight away.

5.6.97

Priz

6-6-97.

for Mrs Wiggins Dickson she will
get her brother to send cheque
for £1000 in post