

[1] expect your Lordship to say. Another aspect of forensic
[2] matters which I have looked at is that unless you have
[3] an original document, there is very little, if anything,
[4] to be done forensically.

[5] **MR JUSTICE LADDIE:** Mr. Hobbs, that I must
[6] say is my understanding as well, but there is an
[7] original. There is a document with Mr. Sotherton's
[8] handwriting on which is something which I assume was
[9] changed by the claimant.

[10] **MR HOBBS:** I have to concede that.

[11] **MR JUSTICE LADDIE:** So, there ought to be an
[12] internal copy. That may be an original and it may be
[13] possible to date the writing on it. But, the principle,
[14] let's get the principle.

[15] **MR HOBBS:** The principle I agree with.

[16] **MR JUSTICE LADDIE:** That there has to be
[17] time for Mr. Donovan to consider this and seek
[18] information.

[19] **MR HOBBS:** If my learned friend tells your
[20] Lordship, bearing in mind all the constraints, that he
[21] requires time to explore avenues for further evidence,
[22] he can give us an indication of how long that is, I am
[23] bound to say that is appropriate —

[24] **MR JUSTICE LADDIE:** Mr. Hobbs, you will have
[25] gathered from the question I put to you, two things:

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[1] **MR HOBBS:** I understand perfectly. My
[2] position is this: At the moment there are no further
[3] inquiries I do not know about, that I would wish to
[4] make. In other words, I am not proposing to make any
[5] further inquiries myself. What I need to know and would
[6] respectfully submit your Lordship needs to know, is for
[7] my learned friend to have a discussion with those
[8] instructing him and come back in 15 minutes and give
[9] your Lordship an indication.

[10] **MR JUSTICE LADDIE:** Mr. Cox, rather than 15
[11] minutes, I am quite prepared to rise now and to sit
[12] again at quarter to two. That gives you an hour and a
[13] half to consider. There will be an adjournment, but I
[14] do not want this to go on too long because it will cost
[15] even more money.

[16] **MR COX:** Would your Lordship say 2?

[17] **MR JUSTICE LADDIE:** 2 o'clock, fine. You
[18] have a nice lunch fixed?

[19] **MR COX:** No, I have a long period, I think,
[20] of consideration and I will be here at 2 to give an
[21] estimate of the adjournment.

[22] **MR JUSTICE LADDIE:** Now, before you go, I took what for
[23] Chancery Division is not an unusual course, of calling
[24] both of you in to see me last week and I was — and I can
[25] make this quite clear — disappointed to see this trial

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[1] Either Friday or yesterday I was interested to know
[2] whether anybody had made any approach to Sainsbury's.
[3] If we are going to adjourn, whether Mr. Cox or if Mr.
[4] Cox's client decides not to approach Sainsbury's, there
[5] would be nothing to prevent you subpoena-ing, so far
[6] as it is possible, whether Sainsbury's has a copy of the
[7] letter which they were allegedly sent.

[8] **MR HOBBS:** I made an objection the other day
[9]

[10] **MR JUSTICE LADDIE:** That does not matter.
[11] That was part and parcel of the attack on the
[12] authenticity of the document. Mr. Cox says he surprised
[13] and I can understand why he says he was surprised. All
[14] I am saying, Mr. Hobbs, is whether you do it or Mr.
[15] Cox's client does it, I want to know what the position
[16] is with Sainsbury's at the time when this case returns
[17] to be resumed. What I really want to know is that I am
[18] sure that the right course must be to allow Mr. Donovan
[19] time to answer the very serious allegations that have
[20] been made. I want to know what the mechanics are going
[21] to be for giving Mr. Donovan sufficient time to do that,
[22] but without unduly delaying the further conduct of this
[23] trial.

[24] **MR HOBBS:** I understand that.

[25] **MR JUSTICE LADDIE:** That is all I need.

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[1] continuing on Monday morning. All that has happened
[2] today makes my disappointment all the greater. I am
[3] still convinced that there are unlikely to be any
[4] outright winners of this litigation. It is possible
[5] that there will be an outright winner, but financially
[6] and otherwise I can see there being a real prospect of
[7] everybody being harmed by it and that the animosity
[8] which has grown up between the parties made it almost
[9] impossible to contemplate licking their respective
[10] wounds and sorting this out for the future.

[11] I would hate the parties, as they are now in
[12] court, to go away and later to weep tears when I give
[13] judgment which is unfavourable to one or other or both.
[14] I would hate this to happen, I would hate them to be
[15] taken by surprise. I have already given that message to
[16] you, both of you and I would now say it again for the
[17] benefit of your clients, but this is an unpleasant case
[18] where everybody will come out the poorer. That is the
[19] most likely outcome. I will leave it until 2 o'clock
[20] and if you could then give me an indication of how long
[21] you need.

[22] **MR COX:** I will my Lord.
[23] (The luncheon adjournment).
[24] (2.00pm).

[25] **MR COX:** Tuesday morning, my Lord.

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