

[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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