Neutral Citation Number: [2026] EWHC 158 (Ch)

Case No: Bl-2025-000341

IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES
BUSINESS LIST (ChD)

Royal Courts of Justice, Rolls Building
Fetter Lane, London, EC4A 1NL

Date: 30 January 2026

Before :

THE HONOURABLE MR JUSTICE TROWER
Sitting with MASTER KAYE

- -

Between :

LEE CASTLETON

Claimant

- and –

(1) POST OFFICE LTD

(2) FUJITSU SERVICES LIMITED

Defendants

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- -

PAUL MARSHALL and **ANDREW YOUNG** (instructed by **Simons Muirhead Burton LLP**) for the **Claimant**
JAMES BAILEY KC and **DANIEL PETRIDES** (instructed by **Pinsent Masons LLP**) for the **First Defendants**
LAURA NEWTON and **JAGODA KLIMOWICZ** (instructed by **Morrison & Foerster (UK) LLP)** for the **Second Defendant**

Hearing date: 23 January 2026

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Approved Judgment

This judgment was handed down remotely at 10.30am on 30 January 2026 by circulation to the parties or their representatives by e-mail and by release to the National Archives.

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THE HONOURABLE MR JUSTICE TROWER

Mr Justice Trower

1. At the conclusion of a one-day directions hearing held on 21 January 2026, we made an order pursuant to CPR 3.1(2)(j) for a separate trial of the Part A claims, to take place before the trial of the Part B and Part C claims. This judgment, to which Master Kaye has contributed, explains our reasons for taking that course.

2. In making the order we made, the court does not seek to minimise in any way the profound impact which the events that have come to be known as the Horizon scandal have had on the Claimant, his family and many other former sub postmasters. But the function of the court is to assess the way in which the Claimant has formulated the claims he now makes and, having regard to the overriding objective to which the court must seek to give effect (CPR 1.1 to 1.4), to give appropriate directions for their efficient resolution.

3. It is appropriate to start with a very short description of the background to the current proceedings. It is not necessary to do more than this for the purposes of resolving the issues with which the directions hearing was concerned.

4. The Claimant was the sub postmaster of a branch post office at 14 South Marine Drive, Bridlington between July 2003 and May 2004, when he was suspended from his branch post office by the First Defendants ("POL"). The grounds for his suspension were that the branch accounts, prepared with the use of the Horizon computerised accounting system (the "Horizon system") designed by the Second Defendant ("Fujitsu"), disclosed cash shortfall discrepancies.

5. This was followed by legal proceedings brought by POL against the Claimant (the "Original Action"). They culminated in a six-day trial before HHJ Havery QC sitting as a High Court judge in which the Claimant acted as a litigant in person. On 22 January 2007, POL obtained judgment (the "2007 Judgment") against the Claimant for a sum in excess of £25,000, which, after taking into account substantial costs, became a judgment debt of £309,807. Shortly thereafter a bankruptcy order was made against him, which was only annulled in January 2023 when his creditors were paid in full.

6. As is well known, many other sub postmasters were pursued by POL to recover apparent shortfalls thrown up by the Horizon system, some of whom were also made bankrupt. POL also prosecuted and obtained convictions against hundreds of individuals, which have subsequently been held to have been wrongly obtained.

7. Between 2016 and 2019, 555 sub postmasters and former sub postmasters including the Claimant (the "GLO Claimants") were engaged in litigation with POL under a Group Litigation Order in proceedings known as *Bates & Ors v Post Office Limited* (the "GLO Action"). The causes of action in the GLO Action included claims against POL in deceit.

8. Two trials in the GLO Action were held by Fraser J in 2018 and 2019:

    i) The 'Common Issues Trial', which was heard in November and December 2018. This is of less relevance for present purposes. Judgment was handed down on 15 March 2019.

ii) The 'Horizon Issues Trial', which was heard between March and July 2019 and was principally concerned with the integrity of the Horizon system. Judgment was handed down on 16 December 2019; a draft having been circulated to the parties on 28 November 2019.

9. Between the time the draft judgment in the Horizon Issues Trial was circulated and the time that judgment was handed down, the GLO Action was compromised by way of a settlement agreement dated 10 December 2019 (the "Settlement Deed"). The parties to the Settlement Deed were the GLO Claimants, POL, and the GLO Claimants' solicitors, Freeths LLP ("Freeths").

10. The Settlement Deed compromised the claims in the GLO Action and other potential claims which the GLO Claimants may have had against POL in return for a single payment by POL of £52.25 million to be distributed through a process of apportionment implemented by the GLO steering committee. The Settlement Deed contains a very widely drafted release of all claims of whatsoever nature, whether known or unknown and whether arising out of negligent, wilful or intentional conduct, amongst which is a category of claims called the 'Like Claims'. It includes both specific and general releases.

11. Since the settlement of the GLO Action, four compensation schemes have been established to provide financial redress for sub postmasters affected by the Horizon system. One of them, the GLO Compensation Scheme, was designed for sub postmasters such as the Claimant who were part of the GLO Action, and who do not have a Horizon-related conviction. The Claimant has not made any claim in the GLO Compensation Scheme.

12. In September 2020 a public enquiry into the Horizon scandal, chaired by Sir Wyn Williams was established. In the Introduction to the first volume of its findings, published on 8 July 2025, Sir Wyn said as follows:

> "As a consequence of the activities described in the preceding two paragraphs, many hundreds of people have been convicted, wrongly, of criminal offences, and many thousands of people have been held responsible, wrongly, for losses which were illusory, as opposed to real. As later volumes of my Report will demonstrate, all of these people are properly to be regarded as victims of wholly unacceptable behaviour perpetrated by a number of individuals employed by and/or associated with the Post Office and Fujitsu from time to time and by the Post Office and Fujitsu as institutions."

13. This volume of the inquiry's report did not deal with the original proceedings against the Claimant in any detail, but it suggested that the next volume of the report, which has not yet been published, may do so. However, it did give a description of the enduring impact of what had occurred on the Claimant and his family (and in particular his daughter) based on what Sir Wyn called his daughter's moving account.

14. POL now acknowledges that the 2007 Judgment had a profoundly damaging effect on the Claimant and his family for which it has apologised on a number of occasions. POL's position is that it has repeatedly offered to have the 2007 Judgment set aside by consent and remains willing to co-operate with the Claimant in doing so.

15. The evidence is that the Metropolitan Police, the CPS, and certain regulatory bodies (the SRA and the Bar Standards Board) are conducting investigations into a number of areas relating to the Horizon scandal as a whole. We do not know what stage any

of those investigations have reached, nor do we know the identity of those who may be the subject of any of them.

16. On 14 March 2025, the Claimant issued these proceedings against POL and Fujitsu seeking a number of heads of relief. The principal cause of action on which the Claimant relied in his claim form were an unlawful means conspiracy to abuse the process of the court and to deceive the court and the Claimant by dishonestly withholding evidence at the trial of the Original Action that the Horizon system was unreliable. This is said to entitle him to the following relief:

    i) an order that the 2007 Judgment be set aside as having been obtained by fraud;

    ii) a declaration that the 2007 Judgment was obtained by fraud;

    iii) damages against POL and Fujitsu in sums exceeding £2 million; and

    iv) an order against POL that the bankruptcy order made against him on 23 May 2007 be cancelled and annulled for having been obtained by fraud.

17. The Claimant also sought an order against POL that the Settlement Deed be rescinded or avoided for having been obtained by fraud, fraudulent misrepresentation and/or sharp practice because (i) POL had dishonestly withheld its knowledge of the unreliability of Mr Gareth Jenkins (who was a software engineer and an architect of the Horizon system) as the source of much of POL's evidence in the GLO Action and (ii) by the Claimant being deceived as to the true reason for Mr Jenkins not being called as a witness.

18. The claim form was served on 10 July 2025 together with Particulars of Claim (running to 40 pages plus 4 appendices) ("POC"). After a short introductory section, including reference to the Settlement Deed, the claims are divided into three separate parts.

19. The first is Part A. It is pleaded over 6 pages and can properly be subdivided into 3 separate claims:

    i) Claim 1 is that, as a matter of construction, the Settlement Deed does not apply to the claims made in Parts B and Part C relating to the conduct of the Original Action; i.e., why they are said to be outside the terms of the Settlement Deed.

    ii) Claim 2 is that it would be unconscionable for POL to rely on the general release under the Settlement Deed, alternatively that the Claimant is entitled to avoid and rescind the Settlement Deed on the grounds of fraud.

    iii) Claim 3 is that, in 2019, POL dishonestly misrepresented the reason that Mr Jenkins was not called as a witness at the Horizon Issues trial in 2019. It is said that the true reason was that, from July 2013, POL had known that Mr Jenkins had misled the court by his evidence and that, during and after settlement of the GLO Action in December 2019, POL concealed relevant information about Mr Jenkins. It is said that what the court was told about Mr Jenkins during the course of the GLO Action was false, was known by the Post Office to be false and that it induced or influenced the Claimant to enter into the Settlement Deed. The pleas of falsity and POL's knowledge of the falsity are then particularised by reference to what happened in 2018 and 2019 in the light of what POL had discovered and known since 2013.

20. The second is Part B. This claim is pleaded over 8 pages and alleges that POL's pursuit of the claim against him in the Original Action was an abuse of the

process of the court for an improper collateral purpose and involved a conspiracy to injure him by unlawful means. Everything pleaded related to the purposes for which the original proceedings were being pursued between 2005 and 2007 in support of an allegation that the proceedings were not being pursued by POL for the legitimate purpose of making a commercial recovery but were abusive because their true purpose was to deter other postmasters from claiming in civil proceedings that the Horizon system was defective.

21. The third is Part C. This claim is pleaded over 20 pages and alleges that the 2007 Judgment was obtained by fraud committed by POL and by an unlawful means conspiracy between POL and Fujitsu, with the joint purpose of dishonestly withholding from the court material evidence that would have undermined POLS's case against the Claimant that the shortfalls were not caused by faults in the Horizon system. Most of what is pleaded relates to what occurred before and at the trial of the Original Action, but there is also a section dealing with the Known Error Log and the Callander Square Bug. The Claimant's case is that this was material evidence withheld from the court in the Original Action which was only disclosed during the course of the Group litigation in 2019.

22. POL and Fujitsu have not yet pleaded their defences to the claims made against them. As will appear, they both contend that they will be able to do so in relation to the Part A claims in short order, but for a number of reason they contend that a materially longer period of time will be required for them to serve their defences to the Part B and the Part C claims

23. Initially, POL gave consideration to whether or not to seek a stay under section 9 of the Arbitration Act 1996, based on one of the terms of the Settlement Deed. That point has now fallen away. However, it was one of the factors which led to a certain amount of correspondence during the autumn of 2025 about the necessity of POL being granted an extension of time for service of its defence

24. The possibility of a preliminary issue came into focus at an early stage in the proceedings. It was first raised by Fujitsu on 25 July 2025, which was some two weeks after the claim form had been served. They said in a letter to the Claimant's solicitors:

> "If the issues in Part A of the Particulars of Claim are determined against your client in these proceedings, that would dispose of the claims against our client in Part C of the Particulars of Claim. Accordingly, our client's preliminary view is that if the Court is to determine these issues, it would be appropriate for the matters in Part A to be determined as preliminary issues. Our client's Defence would respond only to the allegations in Part A of the Particulars of Claim, with its Defence to the remaining issues held over pending determination of those claims."

25. On 18 September 2025, the Claimant's solicitors indicated some degree of agreement with Fujitsu' position. They wrote to the solicitors for POL and Fujitsu suggesting that the point of construction of the Settlement Deed could be tried first. It was said by them to be clearly a separate issue from the question of whether the 2007 Judgment against the Claimant was obtained by fraud and should be tried as a preliminary point.

26. On 13 October 2025, Fujitsu's solicitors wrote to indicate that they considered that all of the issues in Part A should be determined first as otherwise the Claimant's other arguments as to why the Settlement Deed was not a defence to the Claimant's claim

would remain live. The Claimant's response was that he could not consent to this approach unless Fujitsu pleaded a defence to the entirety of the claim.

27. This led to further correspondence in which POL and Fujitsu sought to obtain from the Claimant his agreement to all of the Part A issues being dealt with as preliminary points. However, it continued to be the Claimant's position, reflected in his solicitor's witness statement of 19 November 2025 that, while he had no principled objection to the possibility of a preliminary issue being determined, neither POL nor Fujitsu had separately been able to formulate an appropriately worded issue and he objected to the fraud and unconscionability aspect of the Part A claim being severed from the rest of the case.

28. On 25 November 2025, in response to applications made by POL and Fujitsu for extensions of time for service of their defences, we made an order for the listing of a directions hearing to consider those applications and other case management issues. As was clear from the recitals to that order, we intended that the case management issues for determination should include whether notification of the proceedings should be given to the other parties to the Settlement Deed (i.e., the other GLO Claimants and Freeths) and whether there should be a split trial or a trial of any preliminary issues.

29. In response to our November order, both POL and Fujitsu have confirmed that they consider that all of the Part A claims should be tried in advance of the Part B and Part C claims. Neither expressed a preference for whether the court should make an order under CPR 3.1(2)(j) (split trial) or CPR 3.1(2)(k) (preliminary issue), but their proposal is for the trial of the following issues (the "Proposed Issues") to be determined before any further steps are taken in relation to the Part B claims and the Part C claims:

    i) Whether, on its true construction, the Settlement Deed released the claims against POL pleaded in Part B and Part C of the POCs.

    ii) Whether, if on its true construction the Settlement Deed did release the claims against POL pleaded in Part B and Part C of the POCs it is also effective to release the Claimant's pleaded claims against Fujitsu.

    iii) Whether, if the Settlement Deed did release those claims against POL, POL is nonetheless precluded from relying on the effect of that settlement by reason of "unconscionability" (as alleged in paragraph 9 of the POCs).

    iv) Whether POL fraudulently misrepresented the reasons for not calling Gareth Jenkin as a witness in the Horizon Issues Trial; and if so, whether any such fraudulent misrepresentation induced the GLO Claimants to enter into the Settlement Deed.

    v) If so, to what relief, if any, is the Claimant entitled.

30. POL have made clear that the unconscionability issue (i.e., question (iii) above) can be determined on the provisional assumption, to be made for the purposes of the preliminary issues trial or the split trial only, that the Part B claims and the Part C claims are viable claims, and that POL knew this on 10 December 2019. They say that it follows from this (and we agree) that, the points for determination on question (iii) of the Proposed Issues will be:

    i) Did the Claimant know of the Part B claims and the Part C claims on 10 December 2019?

ii) If not, did POL know that the Claimant was unaware of the Part B claims and the Part C claims on 10 December 2019?

iii) Can the doctrine of sharp practice apply given the terms and effect of the general release contained in the definition of Like Claims in the Settlement Deed?

31. In determining whether or not to order a split trial or the trial of a preliminary issue, we bear in mind the salutary warnings given by many appellate courts over the years of the dangers of making such an order in cases which are unsuitable for that form of relief. Nonetheless, the court's power to grant it is an important and useful tool in furtherance of the overriding objective. The court should approach the question with some caution, but should not hesitate to make one or other of these orders in the right case to do so.

32. There are a number of authorities on the correct approach and the parties relied on two authorities of being of particular assistance. POL drew attention to *Electrical Waste Recycling Group Ltd v Philips Electronics UK Ltd* [2012] EWHC 38 (Ch), which was an application for a split trial on quantum and liability. At [5] to [7] of his judgment Hildyard J gave the following guidance on the relevant considerations:

> *"5. Where the issue of case management that arises is whether to split trials the approach called for is an essentially pragmatic one, and there are various (some competing) considerations. These considerations seem to me to include [i] whether the prospective advantage of saving the costs… outweighs the likelihood of increased aggregate costs…; [ii] what are likely to be the advantages and disadvantages in terms of trial preparation and management; [iii] whether a split trial will impose unnecessary inconvenience and strain on witnesses who may be required in both trials; [iv] whether a single trial… will lead to excessive complexity and diffusion of issues, or place an undue burden on the Judge hearing the case; [v] whether a split may cause particular prejudice to one or other of the parties (for example by delaying any ultimate award of compensation or damages); [vi] whether there are difficulties of defining an appropriate split or whether a clean split is possible; [vii] what weight is to be given to the risk of duplication, delay and the disadvantage of bifurcated appellate process; [viii] generally, what is perceived to offer the best course to ensure that the whole matter is adjudicated as fairly, quickly and efficiently as possible.*
>
> *6. Other factors to be derived from the guidance given by CPR Rule 1.4, which reflect a common sense and a pragmatic approach, may include [ix] whether a split would assist or discourage mediation and/or settlement; and [x] whether an order for a split late in the day after the expenditure of time and costs might actually increase costs.*
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> *7. All these sorts of factors seem to me to be potentially relevant and need to be taken into account in what is essentially a pragmatic balancing exercise in assessing how the case is likely to unfold according to whether there is or is not a split."*

33. The Claimant and Fujitsu made particular reference to *Steele v Steele* [2001] CP Rep 106, in which Neuberger J formulated ten questions for the court to consider when deciding whether to order a preliminary issue. These were summarised by Fancourt J in *Various Claimants v News Group Newspapers Ltd* [2024] EWHC 902 (Ch) at [13] as follows:

"*First, whether the determination of the preliminary issue would dispose of the case, or at least one aspect of the case. Second, whether the determination of the preliminary issue could significantly cut down the cost and time involved in pre-trial preparation, and in connection with the trial itself. Third, if the preliminary issue is an issue of law, how much effort will be involved in identifying the relevant facts for the purposes of the preliminary issue. Fourth, if the preliminary issue is one of law, to what extent is it to be determined on agreed facts. Fifth, where the facts are not agreed, the court should ask itself to what extent that impinges on the value of a preliminary issue. Sixth, whether the determination of a preliminary issue may unreasonably fetter either or both parties, or indeed the court, in achieving a just result. Seventh, is there a risk of the determination of the preliminary issue increasing costs and/or delaying the trial. Eighth, to what extent may the determination of the preliminary issue prove irrelevant. Ninth, to what extent is there a risk that the determination of a preliminary issue could lead to an application for the pleadings being amended so as to avoid the consequences of the determination. And tenth, and finally, taking into account all the previous points, is it just to order the preliminary issue?*"

34. In our view, both of these judgments give very helpful guidance on the correct approach, although it is self-evident that, whether such an order is appropriate is particularly sensitive to the facts of each case. It is not necessary to attribute the factors which we consider to be important in the present case to any particular one of the Hildyard considerations or the Neuberger questions, but it will be seen that we have taken them all into account in our assessment of the right way forward.

35. The first factor is that the issues which arise and the causes of action which are advanced under the Part A claims on the one hand and the Part B and Part C claims on the other hand are factually and legally distinct. The time periods to which they relate are very different. The divisions between the claims are both natural and complete. We agree with POL's submission that there are no difficulties in formulating an appropriate split nor is there any risk of duplication.

36. The second factor is that the Proposed Issues are potentially decisive in the sense that, if POL and Fujitsu are successful on the trial of the Part A Claims, the proceedings will be disposed of in their entirety. There will therefore have been a significant cutting down on the costs and the time involved in resolving the dispute.

37. Thirdly, on the assumption that POL and Fujitsu are unsuccessful on the trial of the Part A claims at a split trial, and the Part B claims and the Part C claims proceed at a second trial, it is unlikely that there will have been a material difference in the time taken overall as against the position if no split trial had been ordered. To the extent that the time is greater, it does not weigh heavily in the balance as against the saving in time and cost overall if the Defendants are successful at an early trial of the Part A claims.

38. There are a number of reasons for this:

    i) The fact that the Part A claims on the one hand and the Part B and Part C claims on the other are legally and factually distinct.

    ii) The fact that the Part A claims would have had to be decided anyway because POL and Fujitsu were always going to run the argument that the Settlement Deed gave them a defence. There is therefore no risk that the Proposed Issues will prove to have been or become irrelevant.

iii) While there is likely to be some degree of extra work overall in the event that POL and Fujitsu fail in their defence to the Part A claims at the first trial, we consider that it is likely to be relatively small.

39. We also have in mind the comparative complexity of the various claims. Despite Mr Marshall's comprehensive submissions as to why the Part B claims and Part C claims will be relatively straightforward for the Claimant to litigate, we are satisfied that they are more complicated and cover a much broader factual spectrum than the Part A claims. In circumstances in which resolution of the Part A claims is potentially dispositive of the whole proceedings, that seems to us to be a factor of real significance.

40. In explaining that conclusion, it is convenient to look at the elements of the Part A claims by reference to the Proposed Issues (see paragraph 29 above):

i) Issue (i) is a pure question of construction. It will be necessary to look at the surrounding factual matrix, including in particular the matters in issue in the GLO Action, but the point is self-contained.

ii) Issue (ii) is a pure question of law. It is difficult to see how it will require the court to consider anything other than the relevant authorities and a limited number of documents.

iii) In the light of POL's clear statement as to the basis on which Issue (iii) will be determined, it involves a discrete and confined inquiry into the Claimant's knowledge (if any) of the Part B claims and the Part C claims as at the date of the Settlement Deed and the extent to which POL knew of his state of mind. It will also require an examination of the effect of the general release on the doctrine of unconscionability (as explained in *BCCI v Ali (No 1)* [2001] UKHL 8; [2002] 1 AC 251 at [32] and [33]).

iv) Issue (iv) will involve an inquiry into the reasons why Mr Jenkins was not called as a witness at the Horizon Issues trial to determine the question of whether there was a misrepresentation and whether it was fraudulent. It will also involve an enquiry into the reasons that the Claimant entered into the Settlement Deed in order to determine the questions of inducement and reliance.

v) Issue (v) raises the question of whether the court can make an order for rescission of the Settlement Deed, given that the other GLO claimants and Freeths are also parties to it. This is a confined question of law, although it may be that the position taken by those other parties will affect the outcome.

41. It is certainly the case that some disclosure and oral evidence will be required for determination of the Part A claims but, in our view, it is relatively limited. However, it is also clear that both the disclosure and the evidence relate to a quite different period of time from the periods which relate to the Part B claims and the Part C claims. Such factual investigations as are required for the Part A claims (relating as they do to issues such as inducement and reliance by the Claimant on the representation), are factually distinct from any factual matters which arise in relation to the Part B claims and the Part C claims.

42. This is to be compared with the issues which will arise on the Part B claims and the Part C claims. As we have already mentioned, Mr Marshall sought to persuade us that they were relatively straightforward and that it was difficult to see that they could properly be treated as anything other than claims which were bound to succeed. It is

not necessary to point out that neither party has sought to apply for summary judgment, but in light of the evidence available to us at the hearing, it would have been wrong to proceed other than on the basis that both sides have a real prospect of success in the claims they make and the defences they advance.

43. Having said that, we consider that both the Part B claims and the Part C claims are materially more complex than the characterisation given to them by Mr Marshall, raising as they do serious allegations of fraud arising from events which occurred some 20 years ago. The complexity includes asking the questions whether and when, between 1999 and 2007, POL and Fujitsu both knew that the Horizon system was subject to data integrity problems to a sufficient degree that their conduct or role in the conduct of the Original Action was dishonest and fraudulent in the sense required to establish that the 2007 Judgment should be set aside for fraud. In making that assessment, we have in mind the fact that the Part B claims and the Part C claims involve serious allegations over an extended period of time and also allegations of perjury against named individuals.

44. We do of course recognise that the public inquiry has uncovered much information from which it has concluded that the behaviour of individuals employed by and/or associated with the Post Office and Fujitsu from time to time and by the Post Office and Fujitsu as institutions was wholly unacceptable. However, the court is concerned with the question of whether the 2007 Judgment was obtained by fraud. This is an exercise which will require a careful evaluation as at different moments in time of the states of mind of a range of individuals, the extent to which those states of mind are attributable to the relevant organisation and the nature and extent of any dishonesty. It does not follow that, simply because POL and Fujitsu have behaved in a wholly unacceptable manner, it will be a straightforward task for the Claimant to prove that they obtained or participated in obtaining the 2007 Judgment by fraud.

45. By way of amplification, as matters stand, 23 individuals are referred to in the PoC in respect of the Part B claims and Part C claims, and it is possible that many of those will have to give evidence. On any view the number of witnesses for a separate Part A trial will be very much smaller. It currently seems unlikely that there will be much overlap between the individuals called to give evidence in respect of the Part A claims and the 23 individuals referred to in relation to the PoC in respect of the Part B and Part C claims. If the Claimant is successful at the Part A trial it does not appear that this is a case in which many of the individuals who might give evidence at the Part A trial would also have to give evidence at the trial of the Part B and Part C claims. If the Defendant if successful at the Part A trial, those 23 individuals may not have to give evidence at all. This seems to us to be a significant factor to take into account.

46. In our view, the complexity of the Part B claims and the Part C claims is also likely to be reflected in the extent of the disclosure required for the fair disposal of those claims. Both POL and Fujitsu say that the number of documents could be very large indeed. We agree with POL's submission that the fact that the inquiry has a vast amount of documentation will not lessen the burden of disclosure; if anything, it will increase it, because the disclosure was for a different purpose and there will be more complex collateral-use issues to be overcome.

47. As to the lengths of time which a single and separate trials might take, and having regard to their comparative complexities, it seems to us that a trial of the Part A claims is likely to be significantly less than that of a full trial of all claims. POL estimated that a trial of the Part A claims would take two weeks (and a full trial of all the issues eight to twelve weeks), while Fujitsu's view was that a trial of the Part A claims would only take 5 days. Mr Marshall, on behalf of the Claimant, was reluctant to be drawn but said that his team would not necessarily quibble with two weeks. Our

very provisional view, based on the limited information we have as to the likely witnesses and the issues which will arise, is that two weeks is a realistic estimate for the Part A claims (and a full trial is likely to be in the region of twelve weeks).

48. It is likely that this would be cut down to only two or three days if the only matter in issue were to be Proposed Issue (i) (construction) and Proposed Issue (ii) (the third-party release). But the reason that we were not attracted to Mr Marshall's suggestion that we might consider that course, is that a separate trial of those two Proposed Issues would not be potentially dispositive; even if POL and Fujitsu were to win, the Claimant would still wish to argue Proposed Issues (iii), (iv) and (v), resulting in the prospect of three trials resulting in further delay, time and cost, whilst even if POL and Fujitsu were to lose on Proposed Issue (i) it would still be necessary to try the Part B and the Part C claims in the same way as if the entirety of the Part A claims were considered first.

49. In many respects the question of costs goes with the question of timing. We consider that the costs of litigating the whole proceedings at a single trial are unlikely to be significantly less than the costs of litigating the Part B claims and the Part C claims, after the court has determined the issues at a separate trial of the Part A claims. Conversely, if the Part A claims were determined in favour of the Defendants there would be a significant saving in costs. In large part this is because there is a very clear distinction between the legal and factual issues to be determined at a trial of the Part A claims and the legal and factual issues to be determined at a trial of the Part B claims and the Part C claims.

50. However, we accept that the question of a potential increase in costs (and the potential saving in costs) does weigh in the balance when considering whether to order a split trial and we have taken that factor into account accordingly.

51. We have also taken into account, not only the fact that it is likely that there will some increase in the total amount of time spent on resolving the dispute if the Claimant is successful at a separate preliminary trial of the Part A claims, but also the fact that final judgment may be achieved slightly more quickly if a single trial is held rather than if the Part A claims are tried first and then the Part B claims and Part C claims have to follow on.

52. This consideration is all the more acute having regard to the fact that more than 20 years has already passed since the Claimant was suspended from his office as sub postmaster, and it is plain that it is in everybody's interests that resolution of as many aspects of the dispute as are possible should be reached as quickly as possible.

53. However, we consider that it should be possible to progress the procedural steps necessary for the trial of the Part A claims in short order and to that end have directed a first case management conference before the end of July. Having regard to the time it would take for all the procedural steps to be undertaken and the likely timetable for a trial of all the issues, including when a trial of that length would be likely to be heard, we are doubtful that the final end point will be very different to the end point if there were to be two trials.

54. While we appreciate that the Claimant has said with some force that he is determined to obtain an order that the 2007 Judgment be set aside after a judicial finding of fraud (he does not consider that the offer that POL has already made to cooperate in its setting aside without more is enough) we also take into account:

    i) that there is some possibility of settlement if the Claimant succeeds on the trial of the Part A claims; and

ii) that POL accepts that the proceedings as they relate to the Part B claims and the Part C claims should move forward with all due despatch if it loses at the Part A trial, even if it seeks to appeal.

55. Taking into account all of these considerations and balancing them as we do in furtherance of the overriding objective to manage cases justly efficiently and proportionately including as to costs we were in little doubt that the right answer was to make the order we did at the end of the hearing.