

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

BL-2020-001343

BETWEEN:

- (1) LONDON CAPITAL & FINANCE PLC (IN ADMINISTRATION)
(2) FINBARR O'CONNELL, ADAM STEPHENS, HENRY SHINNERS, COLIN HARDMAN AND GEOFFREY ROWLEY (JOINT ADMINISTRATORS OF LONDON CAPITAL & FINANCE PLC (IN ADMINISTRATION))
(3) LONDON OIL & GAS LIMITED (IN ADMINISTRATION)
(4) FINBARR O'CONNELL, ADAM STEPHENS, COLIN HARDMAN AND LANE BEDNASH (JOINT ADMINISTRATORS OF LONDON OIL & GAS LIMITED (IN ADMINISTRATION))

Claimants

- and -

- (1) MICHAEL ANDREW THOMSON
~~(2) SIMON HUME-KENDALL~~
~~(3) ELTEN BARKER~~
(4) SPENCER GOLDING
(5) PAUL CARELESS
(6) SURGE FINANCIAL LIMITED
(7) JOHN RUSSELL-MURPHY
(8) ROBERT SEDGWICK
(9) GROSVENOR PARK INTELLIGENT INVESTMENTS LIMITED
~~(10) HELEN HUME-KENDALL~~

Defendants

Transcript of proceedings made to the court on

Day 36 - Thursday, 23 May 2024

The claimants are represented by Mr Stephen Robins KC, Mr Andrew Shaw & Mr Philip Judd

Michael Andrew Thompson (D1) is represented by Miss Anumrita Dwarka-Gungabissoon

Simon Hume-Kendall (D2) & Helen Hume-Kendall (D10) settled and are no longer appearing

Elten Barker (D3) settled and is not appearing

Spencer Golding (D4) is debarred from defending the claim

Paul Careless (D5) and Surge Financial Limited (D6) are represented by Mr Ledgister & Mr Curry

Russell-Murphy (D7) and Grosvenor Park Intelligence Investments Limited (D9) appear in person

Robert Sedgwick (D8) appears in person

Thursday, 23 May 2024 (2.00 pm)

MR ROBINS: My Lord, I would like to call Mr Watson.

MR JUSTICE MILES: Yes.

MR ROBINS: Before we do that, I have just been told that the transcriber, who is remote today, doesn't have access -- the link is not on the line.

MR JUSTICE MILES: Well, the transcript seems to be being produced.

MR ROBINS: It does.

That seems to be misinformation. We can proceed with Mr Watson being sworn in.

SIMON JAMES WATSON (affirmed).

MR JUSTICE MILES: Thank you.

Examination-in-chief by **MR ROBINS**

MR ROBINS: Could you tell the court your name, please?

A. My name is Simon James Watson.

Q. And your address?

A. Address given.

Q. Could we look at <D1/1>, page 1. Has a document appeared on your screen, Mr Watson?

A. Yes, it has, yes.

Q. Do you recognise that as your report in relation to The Beach or Magante?

A. Yes, it looks like the cover page of the report.

Q. Can we go to page 28, please. Is that your signature at the foot of the page?

A. Yes, that's my signature.

Q. Do the opinions you have expressed in this report represent your true and complete professional opinions on the matters to which they refer?

A. Yes, they do.

Q. Could we go to <D1/2>, page 1, please. Do you recognise this as your report in relation to The Hill?

A. Yes, I do, yes.

Q. Can we go to page 27, please. Is that your signature at the bottom?

A. Yes, it is.

Q. Do the opinions that you have expressed in this report represent your true and complete professional opinions on the matters to which they refer?

A. Yes, they do.

MR ROBINS: Thank you.

My learned friend will have some questions for you.

Cross-examination by MS DWARKA

MS DWARKA: Mr Watson, can you hear in me?

A. I can, yes.

Q. Mr Watson, you were asked to provide valuations in respect of two parcels of land known as The Hill and The Beach. Is that right?

A. That is correct.

Q. You have provided the letter of instructions within your report, haven't you?

A. Yes, I have.

Q. Now, within those reports, you referred to four methods of valuation that could be used, is that right?

A. That is correct.

Q. If I use the report you provided for The Hill, the relevant pages are <D1/2> pages 12 and 13, if we can just go to that. For The Beach, it is at pages 13 and 14 of <D1/1>.

Having spelt out the various methods, you then choose to use the comparable method, which is your first method, instead of the residual method in respect of both parcels of land, because you say that there was no current, approved development plan in respect of both pieces of land. Did I get that right?

A. That's correct. Nothing that is detailed enough to rely on a residual method.

Q. Now, correct me if I am wrong, but, as I understand it, the comparable method, in a gist, is where you try to locate similar parcels of land to compare, but then make adjustments to cater for the differences. Is that right?

A. That's correct. In a nutshell.

Q. The residual method, you explain, is where you would consider the value of the finished property less the cost. Is that right?

A. It's the development cost -- well, the gross development value less the development cost. So, yes, the residual is what you are left with on a theoretical development.

Q. Now, you referred to two cases in your report when you were assessing the residual method. For The Hill, it is at <D1/2>, page 13. One is where there was planning guidelines and then one is where there was nothing in place. Is that correct?

A. Yes, in the terms of -- let's have a look. Both the jurisdictions where they took place don't have organised development plans, but I believe one had a subdivision that had been submitted for approval.

Q. Now, the problem you had with the parcels of land you were asked to value is it technically falls somewhere in between those two cases. So there were approvals at some point, but they are no longer current. Is that your understanding?

A. My understanding is that, yes, they were historic and they weren't -- necessarily had full approval to proceed. So, at the end of the day, the comparable method is considered by the Royal Institution of Chartered Surveyors to be the most appropriate method of valuing land where appropriate.

Q. So, in both reports, you explain that you don't believe the residual method was appropriate because there was no current approved development. But you were told in your instructions that those did exist, were you not?

A. Well, I was told historical ones may have existed, but we didn't have sight of them. And I think they were so historical and unreliable as to not be appropriate for the residual method. The residual method is basically a tool where you have full approval in place and the project is ready to go. It is more of a developer's tool.

Q. I just want to have a look at the report just a little bit. Now, using your Hill report, the section relevant to what you were told is at page 49. So <D1/2>, page 49. Can we turn to that? It sets out the instructions you were provided in that part. I don't know if you remember this, but can you have a quick read at that?

A. Okay.

Q. Now, there appears to be quite a lot going on historically, obviously not relevant to the present time, but relevant to the historical valuation, wasn't there?

A. I am sorry, I don't understand the question.

Q. So there appears to be quite a lot of information, in terms of the proposed development, what was going -- what was happening historically.

A. Well, it's not very detailed. That's basically all the information we had.

Q. Yes.

A. And it is clear the original proposal didn't move ahead, so it wouldn't be reliable for a residual because you can't guarantee that that was actually economically feasible.

Q. I will ask you some questions about it in a bit, but let me just show you the bit that's relevant to The Beach. That's at <D1/1>, page 52. Just for you to remember what you were provided in terms of your instructions in respect of those.

So, obviously, it is at the bottom. There is not that much information provided to you in your instructions in relation to that. But approval of the Ministry of the Environment had been obtained. Can you see that?

A. I can, yes, but not the permits or the other state agencies.

Q. Now, is this something that you can independently check, in respect of both parcels of land, to know the historical position, is that something that you can do?

A. Not readily available in a jurisdiction like the Dominican Republic, unfortunately, no.

Q. So it is not publicly available information. There is not a website that you could just --

A. That's correct.

Q. Or you could apply to the ...

In terms of your method of valuation, I think you were told to assume that there was no planning permission. But assume that there were historically, is that something that you could provide to us? Can you tell us, if you were to use the residual method, whether you could assess today, for example, the value of the properties historically in 2012 or 2014? Or is that something you needed more information to be able to do?

A. Yes, there was insufficient available information to utilise the residual method of valuation accurately.

Q. Did you not think it was something that you should have queried when you received the instructions, bearing in mind you were told there were some historical planning permissions?

A. No, the actual, most appropriate method of valuation, as discussed by the RICS, states it is the comparable method of valuation. The residual method is to be used as a backup. As I say, it is mainly a developer's tool. Its use has been accepted in some previous historical cases where there was planning contribution in place, but the actual subdivision was approved and was in place. It wasn't conjecture, it wasn't something that someone was proposing to apply or even had been applied but hadn't been approved yet. These things are crucial, really, as to whether you can use the residual method.

Q. As far as I understand it, you were not provided with the valuations that LCF had in respect of those pieces of land; is that right?

A. Which valuations were those?

Q. The various valuations that the company obtained historically?

A. I had seen one by Christian Wakefield, I believe, and one by a local civil engineer, but they were historic.

Q. Let me just show you something. We can we turn to <D2D10-00006612>, at the bottom of page 1. So this is one of the valuation reports provided to LCF, which I don't know whether you have seen or not.

A. No, I haven't seen that before.

Q. Can you see, bottom of page 1 --

MR JUSTICE MILES: Can I just check something, Ms Dwarka? Who was this being provided to? Because it is 21 May 2013 and it is Mr Sayers.

MS DWARKA: That was part of the valuation provided to the Waterside. And this valuation -- I think that's the position.

MR JUSTICE MILES: I am just trying to get a sense of the timing and what this --

MS DWARKA: This was part of the evidence that was put forward. This is the local valuer, I think. It is a Mr -- Mr Thomson referred to the individual in his evidence, so I went to look for this valuation that he referred to in his evidence. I am only using this, my Lord, to try to understand what --

MR JUSTICE MILES: I am not about to stop you. I am just trying to understand myself what this was, but maybe it doesn't matter. Why don't you ask your questions --

MS DWARKA: It is only relevant to the fact that there is some information about the permission and what type of permission we are talking about.

MR JUSTICE MILES: All right.

MS DWARKA: I just want to understand what that actually means.

MR JUSTICE MILES: Yes.

MS DWARKA: So, bottom of page 1, there is a suggestion there -- you can see it suggests that The Beach does benefit from:

"... Certificate of No Objection, Planning Permission from the Tourism Department & the finals for Medio ..."

And then, in the same paragraph, it goes on to mention:

"Taking in consideration the actual market price for similar lands, this would be the fairest price, certifying that lands with the same characteristics are sold at a lower price because of their lack of permission and certifications ..."

What does that mean to you, if you can just let me know, in terms of planning permission?

A. Sorry, I don't understand the question.

Q. Does it appear that it has the planning permission that would be enough for you to use the residual method?

A. No, no. The granting of planning consent is not sufficient. You need -- you have to ascertain the full construction costs of the proposed development. Just seeing that it has planning permission is totally not sufficient information in which to do that.

Q. So that's not enough for you to actually then assume you could use the residual method for the historical value --

A. Yes.

Q. -- obviously not for the current?

A. No, absolutely not. Because we need details of what is being proposed to be developed on the site. How many rooms, the size of the buildings, because we have to do detailed costings as part of the residual valuation and clearly there is no information there in order to do that.

Q. And that's an information that you can't obtain independently. You had to have been sent that by the claimants?

A. Well, there's no information there. Just because something has planning consent, you need the full details of what the buildings are, the size, the level of finishes, the proposed use. Yes, the residual method of valuation requires detailed costings in order to have any accuracy whatsoever. Without the information of what is being proposed, it is just not possible to use that method.

Q. No, I think my question was that that's something that you can't separately, independently get/obtain from any authorities, because it has been filed?

A. No, no.

Q. Dealing with your chosen method, which is the comparable method, I think you explained the dangers of using it in your report, in both your reports, because there was a lack of good comparable sales, is that right?

A. No, I don't say there is a danger in using it. I am saying it is the only option of using it, in the absence of any other appropriate methodology. And, therefore, we have to rely on what information is available.

Q. Yes, yes, but once you have chosen your method, you then talk about what are the dangers of using that method, because you have to assess whether it is -- essentially, when you are looking at the -- because you are using comparable lands, you explain the dangers within your report as to how you haven't found comparable ones that are very good ones?

A. I don't think I use the term "dangers", but the reader, the people relying on the report, should be aware that we haven't got verifiable information in this case because of the nature of the jurisdiction. You know, there is no registered land system, there is no central Land Registry where we can go for this information. And unfortunately, in the Dominican Republic, even the deeds of sales are unreliable because of -- people aren't often, shall we say, truthful about the considerations stated on there, due to tax reasons.

Q. Okay.

Now, you have managed to find some that are comparable to the valuation you were asked to prepare. Now, what puzzles me is your choice of comparables relevant to The Hill. So, if we can have a look at The Hill's report, <D1/2>, page 16 of the report, you provide a table. You give us six options there as a sort of comparable land. This is relevant to The Hill. But you -- in your report, you then actually compare the first four. So you choose the agricultural land, when your last choice appears to be a little bit more of a better comparator. You don't provide us with information in respect of your option 6, do you?

A. I think I -- I can't recall, but the four that were selected would have been considered the most appropriate comparables to use. In terms of, you know, not just the use, but the size, the area, the location, the terrain. I mean, it's not just as simple as being able to -- you have to select the four that you feel are the most appropriate.

Q. But these lands that you have been asked to value did have some sort of permission, did have some sort of plan. Now, you had chosen not to use the residual method because you say it's not current, but when you are using the comparable method, you still choose agricultural land -- completely agricultural land -- rather than some sort of agricultural land but that has planned -- developed planned projects in the DR. Isn't there a difference between the two in the Dominican Republic?

A. Well, it depends on the actual property. I mean, anyone can apply for that, you know, usage, if the property is suitable for it. I mean, in this case, obviously, the land isn't a development site at the moment. No works are being carried out. It's current use is effectively similar to all the comparables.

Q. So you say you would compare agricultural -- standard agricultural land with land that's been sort of designated for development, and it's the same? No difference in value?

A. The area has been designated and so have other areas that we have looked at. Some of these comparables used are actually probably better suited for what was, in theory, being proposed for the subject property.

Q. I think, in order to cater for the permission issue -- because you have chosen the comparable method -- you give a sort of adjustment. I am just trying to pull it up -- for The Hill. The adjustment you make for The Hill is found at <D1/2> pages 21, 23 to 26. Within the table, we see -- we can see planning consent. This one is Valuation Act 2023. We probably should use the one previously because, obviously, 2023, we are in a different position.

So if we go to pages 23, 24, 25, 26, any of those. There. There is a section where you cater for planning permission and you do a sort of adjustment of 10 per cent. Is that how low you think the adjustment should be for those planning permission --

A. It is what I feel is appropriate, yes, based on my experience.

Q. I have one final point for you. That relates to The Beach, so if we can go to <D1/1> --

MR JUSTICE MILES: Just before we go from there, Mr Watson, going back to a question that counsel asked a moment ago, what was the basis on which you selected comparables numbers 1 to 4 and didn't include, for example, number 6?

A. I don't recall the reasoning at the moment. But it would have been to do with which ones were more appropriate in terms of size, which ones were more appropriate in terms of location. And there is a thought process that goes through in selecting those as to what I consider most appropriate at the time.

MR JUSTICE MILES: Right. Because I don't think you have explained your reason in that regard in your report, from recollection.

A. I am trying to -- sorry, I can't actually see -- compared with the ones that I chose. They would have been the four most appropriate. Whether it is in terms of area, location -- location would be a big thing -- there is many factors that would be taken into consideration.

MR JUSTICE MILES: You could, presumably, compare more than four, couldn't you?

A. Yes, I mean, standard valuation practice is three to four is considered appropriate, really. Three is the bare minimum, four, I mean -- you could go on ad infinitum. But the main thing is -- really, is to make sure, you know, that the appropriate adjustments are in there and the properties are as similar to those we can get from the evidence available.

MS DWARKA: Was that just -- just a quick question on that one. Was that option 6, then, quite far? Do you want to go to the page?

A. Sorry, I can't see the table.

Q. Page 16 of <D1/2> gives you your table of six options. Do you want to have a quick look?

A. Yes, please.

Q. Have a look. It seems to me that one seems to be a little bit more comparable, in comparison to the first four. I am just trying to understand why you didn't provide us with some data on it?

A. I think that was the location, that one.

Q. I don't think I located --

A. It's not in the actual Gaspar Hernandez municipality.

Q. So it was just in a different region. That's why you chose not to?

A. Yes, it wasn't considered as appropriate as the other comparables selected.

Q. Even if the land appeared to be more sort of development, half properties, sort of agricultural development?

A. Sorry, I couldn't hear that.

Q. Even if the comment says "inland property for agriculture or villa."

Even if it looks like it is a little bit more appropriate as a comparator, you still chose not to --

A. Just from the comments in that table, yes. But the actual -- if you look at the location of where the property is and compared with the subject property, it was not considered as comparable as the others selected.

Q. Okay. One final question in relation to The Beach for you. <D1/1>, at page 10, last paragraph. You note in your report that you refer to a disused restaurant which you said is of "negligible value". The one before the last line, yes.

You say:

"I am of the opinion that this structure adds negligible value to the property and I have assumed that it would be demolished in advance to any potential development of the site."

Now, obviously, you visited in October 2023; is that right?

A. That's correct.

Q. So it may be negligible last year, but it probably would have been in a different state in 2012 to 2014, which is about 10 to 12 years ago, or even five and a half years ago when LCF was placed in administration, would you say?

A. No, it's been derelict for a considerable period of time. And further, I mean, when you are looking at the value of a property as a development site, you are looking at clearing the site and building a spec development. You don't want to incorporate an old rundown, concrete cinder building in those development plans. So, yes, it would not be considered to add any value.

Q. Well, I mean, assuming it was in a decent state at that time, ten years ago, what sort of value are we talking about or is that something you cannot provide us at this point?

A. Well, (a) it would not have been in that state; and (b), as I have just said, the actual development plan, when you are looking at -- I think these are sort of resort properties, development properties, and so existing structures really are not taken into account in the new plans. You know, any developer, any potential sort of hotel developer coming in would want to have a clean slate, basically, in which to sort of develop a property of their specific design. So, having a -- I mean, it really is an old rundown, square, cinder block building. It would have not have any value to the prospective purchaser. They would rather have a cleared site, effectively.

Q. When you have done your valuation, you have assumed there is no development plan. And, as you have done a valuation for historically ten years ago, I am just asking you, what sort of value we

are talking about in terms of the value of a restaurant over there? Because I have noted that you have not made any adjustment to cater for that in your report?

A. No. As I said, I don't think it was operational. It looks like it has been derelict for a considerable period of time.

MS DWARKA: Thank you, Mr Watson, I have no further questions.

Re-examination by MR ROBINS

MR ROBINS: I only have one. Could we have a look at <D1/1>, page 34, please? Could you just tell us what that is, Mr Watson?

A. Yes, that's the disused restaurant property -- building, on the Magante side.

Q. Is that what you were just previously referring to?

A. That's correct.

MR ROBINS: My Lord, I've no further questions.

MR JUSTICE MILES: Right, okay.

Thank you very much, Mr Watson, for giving your evidence. That completes your evidence in this case. Thank you.

A. Thank you.

MR JUSTICE MILES: I was just going to say you are free to go now, Mr Watson, because we are going to be discussing some housekeeping points in the litigation, so thank you very much.

A. Thank you very much.

(The witness is released)

Housekeeping

MR ROBINS: First, my Lord will recall that the first defendant had given late disclosure of about 1,000 documents and asked to add them to the trial bundle; the fifth and the sixth defendants asked to add 2,000 documents to the trial bundle, previously disclosed but not previously relied on. We have now had a chance to go through the documents, we have taken a pragmatic approach, and we have agreed that the materials can be added to the trial bundle and be relied on in closing submissions on condition that we can also rely on them and make points on them without having to put those documents or those points to factual or expert witnesses in cross-examination, and also on terms that we can add a small number of responsive documents. That has been agreed on behalf of the first defendant. It has also been agreed on behalf of the fifth and sixth defendants. They have asked us to indicate in some way which documents in our written closing submissions fall into this category, but we are happy to do that.

MR JUSTICE MILES: Right.

MR ROBINS: The second point relates to Terry Mitchell. Your Lordship will recall in opening submissions, I explained that he had been convicted of various offences connected with investment fraud and that we had certain documents that we were not currently able to rely on. We went

through a bit of a process of trying to find the relevant individuals who could consent, including, for example, the policeman who had made a witness statement. That was not possible. So in the end, we asked the Crown Court for the relevant permission.

If I could just show your Lordship our letter to the Crown Court, that's at <Q6/11>, page 1. We explain the background, and then, on the second page, we identified the documents in question. There is a witness statement of a policeman, a civil restraint order, a further witness statement, and a notice of a transfer of a fine. We explain in the next paragraph the relevance of the Mitchell documents is to demonstrate Mr Mitchell's involvement in the fraud to which documents relate and to provide context to, and possible explanations for, the conduct of Mr Mitchell in the proceedings, particularly in relation to the receipt of funds originating with LCF. We asked the Crown Court for consent and said, for our part, we would be content -- we would have no objection to any confidentiality terms that the Crown Court might wish to impose, including restricting provision of these documents to your Lordship and the parties' legal representative, and asking your Lordship for any reference to these documents to be kept confidential. For example, for the relevant part of a hearing to take place in private. The Crown Court has consented. That's at <Q6/11>, page 6. It has consented on the terms set out. The second point is that permission extends only and strictly to the scope and purpose intended and outlined in the letter. That's the paragraph your Lordship just saw.

Thirdly:

"Permission is granted to supply the documents only to the trial judge and to the legal representatives of the parties to the litigation."

And 4 gives an explanation of part of the reasoning. In summary, we couldn't find the relevant police inspector.

Mr Thomson has consented to us being able to use the documents in these proceedings on these terms. That's at page 14 of this clip, <Q6/11> page 14. My Lord can see the email from Ms Dwarka.

Mr Sedgwick had said that he didn't really understand the position and hasn't commented further. I am showing this to your Lordship really to see if your Lordship is content to proceed on the basis outlined in the communication from the Crown Court. In other words, your Lordship and legal representatives only, and steps to preserve the confidentiality of the information.

MR JUSTICE MILES: Where does that leave Mr Sedgwick, for example? He's not a legal representative.

MR ROBINS: That's exactly the issue. It would be something that couldn't be seen by any of the defendants, including those who are acting in person. On the other hand, this material doesn't mention any of the defendants. It's not directly relevant to the claims against them. It is purely by way of background information relating to Mr Mitchell who is a non-party.

MR JUSTICE MILES: I wonder really how appropriate it is for me to look at these documents in such circumstances where some of parties can't see them, and where, as far as I can recall, this was a later conviction. In other words, it was after the events in question. It was not put to any of the witnesses, as I recall, that they knew of any of the matters which had given rise to the conviction.

MR ROBINS: That's not suggested. As I say, they are not mentioned in any of these documents. It is purely by way of background. But that's precisely the concern that I wanted to ventilate with your Lordship.

MR JUSTICE MILES: At the moment I am not persuaded that it's really appropriate for me to look at them, if unrepresented parties can't look at them. I am struggling at the moment really to see what real relevance they have to the case. So I think I will leave it on the basis at the moment that I should not be shown the documents.

MR ROBINS: Yes. Well, for our part we obviously understand your Lordship's reasons for that. I won't press the point.

MR JUSTICE MILES: Right.

Is there anything more to discuss at the moment?

MR ROBINS: Not from us, my Lord.

MR JUSTICE MILES: So next steps is the delivery of the written submissions, is that right?

MR ROBINS: That's right. Which, of course, are currently under preparation. We will finish those off over the vacation and deliver them to your Lordship.

MR JUSTICE MILES: One more point that occurred to me, when thinking about the written submissions -- at least from your side, Mr Robins -- is that I think I said that one of the things I would expect is an analysis of what you might call the causes of action, if I can call them that, and the various elements of them. Equally, it seems to me it would be helpful, given the way the trial has happened, for it to be dealt with at that stage defendant by defendant, because there has been quite a lot of evidence which has been given by some witnesses but some obviously have not appeared -- some parties have not appeared at all -- and it would be helpful to draw together those parts of the evidence which you particularly rely on; or at least which findings of fact, which you are going to be identifying anyway, you particular rely upon in relation to each defendant.

MR ROBINS: My Lord, yes.

MR JUSTICE MILES: It's obviously not a point for the defendants, because they are all separately looking after their own interests.

MR ROBINS: We are certainly endeavouring to address each defendant's position separately.

MR JUSTICE MILES: Yes. Right, okay. So, as I say, the next stage is that I will then receive those at the beginning of next term, as I understand it.

MR ROBINS: That's right.

MR JUSTICE MILES: And then will undertake some reading before we come back.

Which days are we planning to come back?

MR ROBINS: It is the 11th.

MR JUSTICE MILES: Is it the Tuesday? Is there any reason not to start on the Monday?

MR ROBINS: We are really guided by how much time your Lordship wants for reading. There is currently --

MR JUSTICE MILES: Because the Friday won't be --

MR ROBINS: In the timetable, term starts on the 4th and we had allotted four days for pre-reading. If your Lordship wants to cut that down --

MR JUSTICE MILES: So 4 June. Yes, I think we should start on the Monday.

MR ROBINS: Yes.

MR JUSTICE MILES: Then there was some discussion about -- some mention at least -- that the closing submissions may not require quite as long as this timetable suggests.

MR ROBINS: I am being told there is an updated timetable. <A1/11>, is it?

Let's see if this the same or different.

MR JUSTICE MILES: Is there another page? There we are. So if we start on the 10th.

MR ROBINS: As I say, this has been prepared having had responses from the defendants as to how much time they would like to have in closing submissions. My Lord can see Ms Dwarka --

MR JUSTICE MILES: It is a bit further forward, yes.

MR ROBINS: Ms Dwarka said two and a half days, Mr Sedgewick has said he would like to make submissions for half a day, and Mr Ledgister said two days. Of course, I may not need two days in reply but we will see. It is hard to know at this point.

MR JUSTICE MILES: Yes.

MS DWARKA: My Lord, I had indicated maximum two and a half. I might take less but I just couldn't say.

MR JUSTICE MILES: No, no, that's absolutely understood. Right, okay.

MR ROBINS: We will update that further, providing for us to start back on the 10th, and we will circulate it to the other parties, including obviously those who aren't present.

MR JUSTICE MILES: Right. Okay, good. So we will see you then.

(2.44 pm)

(The hearing adjourned to Monday, 10 June 2024)

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