

[1] **Q:** That is not the kind of thing you would do anyway, is
 [2] it? You would go to a meeting and you would know what
 [3] it was you wanted to talk about. You would not, as it
 [4] were, simply switch to another important topic on the
 [5] spur of the moment without having discussed it with
 [6] John Donovan first, would you?

[7] **A:** I have been known to.

[8] **Q:** But on this occasion it did not happen, did it?

[9] **A:** No.

[10] **Q:** Right. Let us close up.

[11] **MR COX:** I wonder if my learned friend could put to him the
 [12] corollary of that question.

[13] **MR JUSTICE LADDIE:** Let him do it his own way. If, at the
 [14] end of the day, he has not done it properly, Mr Cox --

[15] **MR COX:** I beg your Lordship's pardon. I am forgetting your
 [16] Lordship is in charge. It is not a jury.

[17] **MR JUSTICE LADDIE:** It feels like it. But it is not. At
 [18] the end, Mr Cox, if you think something has not been put
 [19] fairly, you just remind me.

[20] **MR HOBBS:** I am about to move to another topic and I know
 [21] I will not finish it in five minutes.

[22] **MR JUSTICE LADDIE:** Let us not start it then. Just remind
 [23] me, before we rise, the letters you were putting to
 [24] Mr Donovan in cross-examination, the 24th July letters,
 [25] those are letters which you told me were not to be found

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[1] **MR HOBBS:** Yes.

[2] **MR JUSTICE LADDIE:** We will leave it like that. I would
 [3] like to see leading counsel in my room, please.

[4] (4.15 pm)

[5] (The court adjourned until 10.30 am
 [6] on Monday 21st June 1999)

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[1] in Shell's discovery?

[2] **MR HOBBS:** Before I say "Yes, that is correct" --

[3] **MR JUSTICE LADDIE:** 449 and 446.

[4] **MR HOBBS:** Yes, they were sent to us with the letter before
 [5] action, my Lord. One of them was. Otherwise --

[6] **MR JUSTICE LADDIE:** They are not to be found in --

[7] **MR HOBBS:** No.

[8] **MR JUSTICE LADDIE:** And you have made your position clear to
 [9] Mr Donovan. The document which contains Concept Four,
 [10] is that one which was found in Shell's discovery?

[11] **MR HOBBS:** I am told that it is only the one that was sent
 [12] to us with the letter before action as well.

[13] **MR COX:** My Lord, I have checked this. I see Mr Joseph has
 [14] just given instructions. If it assists, I hope it is
 [15] right that our position is the only documents of Concept
 [16] Four, the letter of 24th July, the letter of 20th July,
 [17] have been ones that we, in the past, have supplied to
 [18] Shell's solicitors. Therefore, there are no documents
 [19] coming from Shell delineating or relevant to this
 [20] concept.

[21] **MR JUSTICE LADDIE:** Does that include 981? Can you just
 [22] look at 981? Is 981 a document which was --

[23] **MR COX:** That I have not checked. Concept Four I have.

[24] **MR HOBBS:** 981, the letter I am told was in our discovery.

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

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[2] Cross-examination by MR HOBBS (continued) 1

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