

*We expect the Judgement to be handed down today or tomorrow. If the Judgement is that the Statement of Claim be struck out then we will notify you immediately cancelling the above arrangements."*

Now produced and shown to me and marked **SME 16** is a true copy of that letter.

19. Shortly after sending that letter by fax, I sent a further letter to Baldock Stacy & Niven as follows:

*"We note that you have confirmed that you will make a room available downstairs in your building so that we can photocopy your client's documents. Xerox, who we have arranged to provide a photocopier, have told us that in fact your client says the documents have to be photocopied on the 4th floor of your building. Xerox are unable to install the photocopier on the 4th floor and can only install it on the ground floor.*


*We require you to confirm by urgent return fax that a suitable room on the ground floor of your building will be available so that Xerox can install their photocopier.*

*If you do not confirm this by 4.00 p.m. today we will have to cancel all arrangements we have made for next week and we will then be filing an Application with the Court to seek orders to enable us to photocopy your client's documents. If we need to file such Application we will produce a copy of this letter on the question of costs."*

Now produced and shown to me and marked **SME 17** is a true copy of that letter.

20. Shortly after sending that letter I received a letter by fax from Baldock Stacy & Niven, and that letter said:

*"Thank you for your facsimile messages of 9 a.m. and 10 a.m. today.*

 *This building does not have a 4th floor. It does however have a 3rd floor and it is on this floor that our client has requested that the documents be photocopied.*

*We do have a suitable room on the ground floor of the building which we are prepared to make available to you however Mr Thompson has pointed out that the documents are in such a state that "autofeed" is not advisable as they may be damaged. Thus there is no necessity for Xerox to provide a "high end photocopier" but rather a more transportable device could be used as the documents will need to be handfed.*

