

documents other than document No. 9 (which was not requested by them). Complete version of plans was therefore provided to Neville & Co.

Mr Edward, solicitor, for the Second Defendant swore that he undertook inspection of documents discovered by the Plaintiffs in earlier proceedings those documents include a copy of the complete version for the plans for industrial allotments.

54. Based on the material before me there has been nothing concealed from Mr Thompson. The documents contained in the black folder had been previously discovered to Mr Thompson.

55. The Plaintiffs submit that I should look at all of the circumstances to see whether there has been a concealment. I now turn to the evidence, allegedly given by Mr Wilson. Mr. Thompson alleges that at the time Mr. Wilson gave evidence the First Defendant was fully aware or recklessly indifferent to the existence of a series of facts. That evidence was given in 1987. Since then the Plaintiffs brought actions in the Supreme Court, County Court and tried to set aside settlement in 1999. It was not until the year 2000 that the evidence given by Mr Wilson in the Magistrates' Court had the effect of concealing the First Defendants conduct from the Court himself. It is amazing that Mr Thompson is of that belief. It is clear that he had all the documents, and had heard the evidence of Mr Wilson. He had been to Court on a further three occasions. One may ask why Mr Wilson's evidence had the effect of concealing the First Defendant's true conduct from the Court and Mr. Thompson. This is not a credible explanation.

56. Mr. Edward has produced to the Court a series of manila folders containing exhibits. SME1 Volume 1 and Volume 2 are two folders of copies of court documents and papers relating to the County Court action issued on 7 November 1988. Document No. 43 is a book of pleadings in those proceedings that was discovered by Mr Thompson. Obviously any claim of privilege has been waived. Those pleadings contain hand written notes made by Mr Thompson. There is no evidence before me of when those notes were made but there is a clear inference that those notes would have been made prior to 1993. The Defendants relied heavily on these notes to demonstrate Mr. Thompson's state of knowledge.