

BETWEEN ESTATE REALTIES LIMITED

Plaintiff

1073

A N D

J.R. WIGNALL, J.P.G. EDGEN
and A.W. NORBERT-MUNNS

First Defendants

A N D

JONSTOCK NOMINEES LIMITED

Second Defendants

A N D

MERCANTILE HOUSE LIMITED

Third Defendant

Chambers: 2 May 1991

Counsel: M.S. Cole for Plaintiff
W.G.G.A. Young, Q.C. for Defendants

Minute: 2 May 1991

MINUTE OF TIPPING, J.

This minute is issued to record the matters dealt with at the judicial conference heard in this case this morning;

- (1) The parties agreed that it would be helpful if there were further pleadings on both sides in order that the position of each side as to the taking of accounts could be formally put. Accordingly I direct by consent that the Plaintiff is to file within 21 days of today's date a statement of claim

setting out the basis upon which it contends the account of profits should be calculated. The Defendants are to file within 21 days of the service of the Plaintiff's statement of claim a statement of defence making reply to the Plaintiff's suggested basis of claim and raising all such points as they contend are relevant. The pleadings on each side should be constructed so that both matters of principle and of computation/arithmetic are evident. The objective is to enable the parties and the Court to see exactly what matters are in contention.

- (2) It is noted that the Plaintiff considers that further material and information should be discovered and supplied by the Defendants. I direct that the Plaintiff is to file an itemised schedule setting out the further material and information which it contends should be supplied by the Defendants. The schedule should be divided into two parts, the first dealing with documentation and the second dealing with information. The Defendants shall within 21 days of the service of the Plaintiff's schedule reply on oath discovering and giving the requested material and information or if it is not possible to do so, or they are unwilling to do so, stating why that is so.
- (3) Mr Cole suggested that the Court might give a preliminary ruling as to what matters in principle could be the subject of deduction from such profit

as the Defendants may have made. The Plaintiff may formally apply for such ruling if it is so advised but I confirm my provisional view that it is unlikely that I would be willing to give such a ruling. It seems to me that although in the event some ground may be covered unnecessarily I shall be unable to come to any conclusions until I have heard all the evidence and the submissions which the parties wish to put before the Court on this second stage of the case.

- (4) It was agreed that there should be an exchange of written briefs of the evidence which either side intends to call at the second hearing. I shall leave it to the parties to agree how long before the further hearing that exchange should take place. If agreement cannot be reached the matter can come before me.
- (5) While it is difficult at the moment for any firm estimate to be given as to the likely length of the second hearing there will be advantages for all concerned in having a definite fixture allocated even if, as is the case, that fixture is some considerable time ahead. I will accordingly discuss with the Registrar what times are available later in the year and will arrange for the Registrar to confer with counsel so that a fixture can be arranged. I think it would be wise to allocate one week of hearing time even though it may turn out

that the second hearing can be accommodated within a shorter time than that.

- (6) The judicial conference is adjourned sine die and leave is reserved to all parties to apply further and to resume the conference if so advised.
- (7) Costs reserved.

A handwritten signature in black ink, appearing to read "Alicia", with a long horizontal stroke extending to the right and ending in a small upward tick.