

# Demo session

eBundle Demo Case

Exported on: Oct 17, 2024  
By Alok jha

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Between

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ABC Company

Claimant

- and -

XYZ Company

Respondent

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- before -

Demo session

Thursday , 17 Oct 2024

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Annotations

Page	Source text	Note	Issues
<a href="#">1</a>	00 am) HIS HON		<div></div> Issue new
<a href="#">1</a>	Before we begin, can		<div></div> Issue new

Highlights

Page	Source text	Note	Issues
1	two points. First, to remind the parties that I would like		Unassigned

1 11:00:04 PROCEEDINGS

2 11:00:05 (11.00 am)

3 11:00:08 HIS HONOUR: Thank you. Before we begin, can I just mention

4 11:00:10 two points.

5 11:00:14 First, to remind the parties that I would like

6 11:00:17 a copy of the chronology cross-referenced to the

7 11:00:18 bundles.

8 11:00:19 Also, I would like just a little help as to how the

9 11:00:24 bundles have been put together. They are certainly not

10 11:00:26 in chronological order; what order are they in?

11 11:00:27 MR JONES: It's a very good question, the sort of question

12 11:00:30 that I --

13 11:00:35 HIS HONOUR: The rules require a chronological bundle, and

14 11:00:40 it is quite difficult thinking -- well, I would like to

15 11:00:45 see the {A2-3} and {A3-4} to which that document is an

16 11:00:48 answer, and then you have to, by pure chance, go about

17 11:00:52 four bundles further on, which slightly ... (Pause)

18 11:00:53 But they have just been divided up with tabs.

19 11:00:58 MR JONES: I mean, one option is the parties assist you by

20 11:01:00 producing an agreed bundle -- hopefully when we have

21 11:01:05 done our written closings with reference in {A1-10} and

22 11:01:10 {A1-11}.

23 11:01:15 HIS HONOUR: I would be grateful. There was always a risk

24 11:01:17 anyway of seeing the document in two different places.

25 11:01:18 MR JONES: We'll secure that for you.

1 11:01:21 Could I ask your Honour, please, to take up the list  
2 11:01:22 of issues. It can be found in {E2-34}.  
3 11:01:25 In {B3-2}, there are two sets of lists of issues.  
4 11:01:27 There's a case memorandum list of issues from the --  
5 11:01:30 HIS HONOUR: The parties weren't able to agree on the list  
6 11:01:35 of issues?  
7 11:01:37 MR JONES: That's right, yes. Slightly --  
8 11:01:42 HIS HONOUR: It's not unknown, Mr Jones.  
9 11:01:43 MR JONES: The bank and the first defendant were able to  
10 11:01:45 agree on what they thought were the list of issues.  
11 11:01:47 HIS HONOUR: Of course. That goes without saying.  
12 11:01:52 MR JONES: My learned friend took you to these yesterday in  
13 11:01:53 relation to his submissions about the issue estoppel,  
14 11:01:58 and made the point that the July 2003 dishonest  
15 11:02:03 statement was not an issue.  
16 11:02:05 I mean, that's absolutely right, because I'll  
17 11:02:08 develop -- that's actually a point in our favour, but  
18 11:02:11 perhaps, first of all, we could turn to {D2-12}.  
19 11:02:12 HIS HONOUR: Yes.  
20 11:02:13 MR JONES: This is within the claimant's list of issues,  
21 11:02:16 just to see how narrowly focused the misrepresentation  
22 11:02:18 issue in the 2001 trial was.  
23 11:02:22 One can see that summarised at {A1-5}, and then in  
24 11:02:25 the subparagraphs which go over the page.  
25 11:02:29 It's very clear, just looking at what those issues

1 11:02:34 are, in terms of the representations made.

2 11:02:38 Starting at bundle {D1-9}, subparagraph 16.1.1:

3 11:02:43 "The claimant's capital would be protected and they

4 11:02:44 would not lose money ..."

5 11:02:47 In bundle {F1-5}:

6 11:02:49 "There was only a negligible chance the claimant's

7 11:02:51 capital would fail to appreciate ..."

8 11:02:55 HIS HONOUR: Yes.

9 11:02:58 MR JONES: These are all pre-contractual representations.

10 11:02:59 They are very much focused at the early stage.

11 11:03:03 If one turns to the list of issues by the parties,

12 11:03:04 one can see at {B3-19}, and then forward to page 10, for

13 11:03:09 example, in relation to the misrepresentation claim,

14 11:03:14 they are all focused on, again, pre-contractual

15 11:03:16 representations which have been relied on in the

16 11:03:21 re-amended particulars of claim.

17 11:03:23 I think my learned friend took you to those at

18 11:03:24 {A3-4} and {B2-4}.

19 11:03:28 Unless you would like me to, I don't propose to take

20 11:03:33 you back to the claimant's re-amended particulars of

21 11:03:36 claim.

22 11:03:37 HIS HONOUR: It's the protection point.

23 11:03:40 MR JONES: Protection, exactly. It's all about what was

24 11:03:41 said to induce the claimant to enter into these

25 11:03:44 products.

1 11:03:45 Again, I'll develop this further, but this is the  
2 11:03:47 only focus of attention in terms of agency at that  
3 11:03:51 point -- again, subject to what happens.  
4 11:03:55 If I could open {C1-5}.  
5 11:03:56 HIS HONOUR: {C1-5}, yes, I'm up to date with that.  
6 11:03:59 MR JONES: Perfect.  
7 11:04:00 Bundle {E2} should now be {E1} -- well, it's  
8 11:04:02 19 pages on the PDF, but the last page is 25, and that's  
9 11:04:04 been updated very recently.  
10 11:04:05 I don't know if your Lordship has that last --  
11 11:04:10 HIS HONOUR: No. What's come in recently in bundle {E4}?  
12 11:04:14 MR JONES: Certainly I received it this morning. There is  
13 11:04:15 a clip of about 8 or 12 pages, an email exchange and  
14 11:04:17 a letter from the claimant a couple of days ago.  
15 11:04:22 It sounds like Mr David is with us.  
16 11:04:27 MR DAVID: Hold on one second. I'm on my telephone with the  
17 11:04:29 technical support.  
18 11:04:31 They say, first of all, I have to get online on my  
19 11:04:36 telephone, and then they will do some magic to ensure  
20 11:04:39 that I get on on my laptop.  
21 11:04:43 So just for the technical support chap, do I now  
22 11:04:46 come off the link on my telephone?  
23 11:04:48 (Pause).  
24 11:04:50 MR JONES: I don't know if it would be convenient to finish  
25 11:04:54 off the housekeeping. I don't think Mr David will



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- 1 11:04:58 accuse me of leaving him out.
- 2 11:05:01 HIS HONOUR: Yes.
- 3 11:05:04 MR JONES: So the final page of bundle {E5} is numbered 95.