

# OPUS 2

## INTERNATIONAL

(1)Dr Helle Poulsen (2 )Mr Barry Weller v (1)Specsavers Optical Grp. Ltd (2)Bognor Regis Visionplus Ltd (3)Bognor Regis Specsavers Ltd v (1)Shakila Parham (2)John Parham v (1) Specsavers Optical Grp. Ltd (2)Uckfield Specsavers Ltd

Day 18

January 13, 2014

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1 Monday, 13 January 2014  
2 (10.00 am)  
3 Housekeeping  
4 MR POTTS: Good morning, my Lord.  
5 MR JUSTICE HILDYARD: Good morning.  
6 MR POTTS: My Lord, we have just had, I think, the test from  
7 Italy.  
8 MR JUSTICE HILDYARD: Yes, I understand that went all right.  
9 MR POTTS: It seems to look all right. It will not be  
10 today, but arrangements are being discussed about  
11 timings.  
12 MR JUSTICE HILDYARD: Right.  
13 MR POTTS: My Lord, the second point, before we deal with  
14 Mrs Parham's evidence, your Lordship raised on Thursday  
15 an issue about Mr Whittaker's witness statements, as to  
16 whether the hearsay notice covered that document.  
17 MR JUSTICE HILDYARD: Yes.  
18 MR POTTS: My Lord, I don't know, perhaps now might be just  
19 an appropriate moment to deal with it briefly.  
20 My Lord, does your Lordship have -- in fact, there  
21 are three documents to which that point was relevant --  
22 E2?  
23 MR JUSTICE HILDYARD: Yes.  
24 MR POTTS: My Lord, 412 is a statement from Mr Whittaker.  
25 MR JUSTICE HILDYARD: E2?

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1 MR POTTS: E2/412.  
2 MR JUSTICE HILDYARD: Yes.  
3 MR POTTS: There is another one at 414.  
4 MR JUSTICE HILDYARD: Yes.  
5 MR POTTS: Then there is another one at 415 from  
6 Anna Tickner.  
7 MR JUSTICE HILDYARD: Yes.  
8 MR POTTS: My Lord, the first point is we say the hearsay  
9 notice does cover these documents.  
10 MR JUSTICE HILDYARD: Right.  
11 MR POTTS: If your Lordship has C. If your Lordships looks  
12 at the back of C, which is the hearsay notice.  
13 MR JUSTICE HILDYARD: Yes.  
14 MR POTTS: That's 117, and it refers to investigatory  
15 interviews, the following members of staff. Do you see  
16 that?  
17 MR JUSTICE HILDYARD: Yes.  
18 MR POTTS: The short point, for example, is Anna Tickner is  
19 referred to. The only document from her is that witness  
20 statement which I have just shown you. So it's clear  
21 that the hearsay notice intended to cover these  
22 documents as well, just on that short point alone.  
23 MR JUSTICE HILDYARD: Were they investigatory interviews?  
24 MR POTTS: My Lord, it's the only document -- my Lord, the  
25 second point on that is the reference to it is by

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1 reference to Mr McAlindon's witness statement. If you  
2 have volume C, going back to tab 3, page 43.  
3 MR JUSTICE HILDYARD: Yes.  
4 MR POTTS: Paragraph 38 is where he deals with this.  
5 MR JUSTICE HILDYARD: Yes.  
6 MR POTTS: He talks about not all records of conversation  
7 were followed up by formal witness statements, not all  
8 the staff gave statements. Then he refers to  
9 transcripts of interviews, and then he sets out below in  
10 38 the references to the various matters that he's  
11 referring to, and he refers to Anna Tickner again.  
12 MR JUSTICE HILDYARD: Yes.  
13 MR POTTS: It's clear, I appreciate, my Lord, there is  
14 a difference of formatting and, indeed, of style. But  
15 the point is that he is treating them in his statement  
16 as the same way as a record of conversation.  
17 MR JUSTICE HILDYARD: If you look at 38.5, the reference is  
18 to a document at E2/401, which from recollection is  
19 an interview with Noel Whittaker.  
20 MR POTTS: Yes, my Lord. Because what happened was at that  
21 point there was a conversation, there was an issue about  
22 a raised eyebrow, and then he volunteers some  
23 information. Then there were the witness statements  
24 which, if you go on in C, my Lord, those are then  
25 referred to in terms of the witness statements there.

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1 But these are all exhibited, including the witness  
2 statements, to Mr McAlindon's statement, and as I said,  
3 there is no record of conversation in relation to  
4 Ms Tickner.  
5 MR JUSTICE HILDYARD: I can understand that point as  
6 a matter of interpretation, but in the evidence the  
7 annotation is that the relevant interview, as regards  
8 Noel Whittaker, is the interview which does appear at  
9 E2/401 through 405, and to no other. That's what caused  
10 my concern.  
11 Obviously it's important with a witness -- in the  
12 case of a Civil Evidence Act notice that it should  
13 identify with particularity precisely the evidence which  
14 is intended to be covered by it.  
15 It doesn't appear to cover both, does it? Maybe the  
16 annotation is wrong. It may be that it's simply  
17 a detail which doesn't matter. But on any footing it  
18 isn't clear, is it?  
19 MR POTTS: My Lord, I accept the reference to the word -- it  
20 talks about investigatory interview.  
21 MR JUSTICE HILDYARD: Yes.  
22 MR POTTS: Now, I appreciate that maybe it could have been  
23 said "investigatory interview and witness statement  
24 resulting from investigatory interview", but where one  
25 has the reference to Anna Tickner, which is -- and the

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1 only document that she has exhibited -- sorry, the only  
2 document is a witness statement, and indeed, all of  
3 Mr Whittaker's statements and note of interview are  
4 exhibited, I would say, firstly on the wording, maybe  
5 there is some -- the wording, I accept that perhaps it  
6 could have been, with hindsight, a littler clearer, but  
7 it is clear if you look at it as a whole, look at the  
8 witness statement of Mr McAlindon and, again, the  
9 reference to Ms Tickner --  
10 MR JUSTICE HILDYARD: And shut your eyes to the confusion  
11 which was shared by the person who was identifying the  
12 document for the purposes of cross-referencing?  
13 MR POTTS: I am sorry?  
14 MR JUSTICE HILDYARD: Well, next door to 38.5 in my copy of  
15 the evidence of Mr McAlindon is the reference to the  
16 relevant interview.  
17 MR POTTS: I am sorry, my Lord, where is your Lordship  
18 looking?  
19 MR JUSTICE HILDYARD: I am sorry, do I have the wrong thing?  
20 Mr McAlindon's first statement, paragraph 38.5, page 44,  
21 tab 3 of C.  
22 MR POTTS: Page 44, paragraph ...?  
23 MR JUSTICE HILDYARD: 38.5.  
24 MR POTTS: Yes.  
25 MR JUSTICE HILDYARD: You see the interview which the person

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1 compiling these references thought was being referred to  
2 is identified as E2/401 through 404.  
3 MR POTTS: Yes.  
4 MR JUSTICE HILDYARD: Now, that's obviously simply  
5 an assistance, it isn't guiding. But it does rather  
6 demonstrate that one's first reaction is that only the  
7 interview, which is at E2/401 to 404, rather than the  
8 witness statement:  
9 "... purportedly pursuant to CJ Act 1967 ..."  
10 I don't know what all that stuff is about.  
11 MR POTTS: I'm not sure what it is either.  
12 MR JUSTICE HILDYARD: I have a nasty feeling about it, if  
13 I can say so, because it's looks as if it's a sort of  
14 police-type interview, as if Specsavers are rather  
15 arrogating to themselves a rather more official inquiry  
16 than might be justified.  
17 MR POTTS: Right.  
18 My Lord, this all happened on the same day. What  
19 happened was you had the first interview, he then  
20 volunteers some information, and then that information  
21 is continued on in the witness statements.  
22 MR JUSTICE HILDYARD: I see.  
23 MR POTTS: So, my Lord, to say that -- there is no great  
24 separation. I accept your Lordship's point about maybe  
25 the notice could be clearer with reference to

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1 investigatory interview and interview continued by way  
2 of witness statement and so on. But the points I would  
3 make, firstly, is the Anna Tickner point: that's the  
4 only document she has, which is a witness statement,  
5 there is no note of conversation from her; secondly, the  
6 document is exhibited in MM1.  
7 MR JUSTICE HILDYARD: Yes.  
8 MR POTTS: And it's not as if there is some separation, it's  
9 some new person. Mr Whittaker has already provided --  
10 this is part and parcel of the same matters that he is  
11 dealing with in relation to the investigation.  
12 MR JUSTICE HILDYARD: Yes.  
13 MR POTTS: My Lord, the second point is that this is not  
14 a new point, this idea that the witness statement has  
15 come out of the blue. It's referred to in the  
16 pleadings.  
17 MR JUSTICE HILDYARD: Right. I remember you mentioning that  
18 on Friday.  
19 MR POTTS: For your Lordship's note, it's paragraphs 44  
20 and 46, expressly referring to the witness statements.  
21 MR JUSTICE HILDYARD: And they refer expressly to this, do  
22 they?  
23 MR POTTS: Yes.  
24 MR JUSTICE HILDYARD: To the witness statement?  
25 MR POTTS: Yes, they do.

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1 My Lord, the third point is where there are hearsay  
2 notices in relation to this, this is a point which  
3 your Lordship may remember I raised perhaps somewhat  
4 inelegantly in relation to Bognor, about a concern in  
5 relation to the investigatory interviews at that stage.  
6 MR JUSTICE HILDYARD: Yes.  
7 MR POTTS: The point was also -- the issue -- your Lordship  
8 saw the letters. They are exactly the same letters  
9 written prior to the PTR in this case in relation to  
10 challenging evidence, and the point is it was open to  
11 the claimants to call Mr Whittaker, just as it was under  
12 CPR 33.4 in this case if they wished to.  
13 If there was a concern in relation to these  
14 matters -- these documents have always been in the  
15 bundles, they've been referred to in the pleadings and  
16 so on -- this was an issue which could have been raised  
17 prior to -- there was an extensive PTR and the issue of  
18 the admissibility of witness statements was raised in  
19 correspondence by the other side prior to the PTR.  
20 MR JUSTICE HILDYARD: Right.  
21 I had better hear Mr Stuart on that point, if those  
22 are the three points you marshal.  
23 MR POTTS: My Lord, yes. And the short point in any event  
24 is that there is no rule barring the -- hearsay  
25 evidence, unlike in criminal cases, is admissible in

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1 civil cases, my Lord. So I don't accept there has been  
2 any misconception or lack of understanding in relation  
3 to Mr Whittaker.  
4 MR JUSTICE HILDYARD: I think you put your finger, if I may  
5 say so, on the real point, which I really want to hear  
6 from Mr Stuart: yes, in civil trials and subject to  
7 weight, hearsay evidence is now admissible.  
8 MR POTTS: Yes.  
9 MR JUSTICE HILDYARD: But the choice whether or not to  
10 require the attendance of a witness may depend on what  
11 you think he or she is saying.  
12 MR POTTS: Yes.  
13 MR JUSTICE HILDYARD: I do not know, though you would say  
14 that it is clear, that the claimants understood that  
15 Mr Whittaker was saying, as adduced evidence -- be it  
16 hearsay or not -- his witness statement. If they  
17 understood that or can't reasonably be heard to say  
18 otherwise, then it may be that it simply goes to weight.  
19 MR POTTS: Yes. And the issue which your Lordship raised on  
20 Thursday which I have been addressing was the point you  
21 are saying it was not within the scope of this hearsay.  
22 This document wasn't within the scope of the notice,  
23 and --  
24 MR JUSTICE HILDYARD: And you say it is.  
25 MR POTTS: -- I say it is.

1 MR JUSTICE HILDYARD: Yes. Thank you.  
2 MR STUART: My Lord, I am slightly working on the hoof here.  
3 Mr Potts told me he wanted to deal with this point as  
4 you walked in the door, so I'm making these  
5 submissions --  
6 MR JUSTICE HILDYARD: I am sorry.  
7 MR STUART: It's all right, my Lord. I am perfectly  
8 prepared to be taken by surprise like that if Mr Potts  
9 considers it's appropriate.  
10 MR JUSTICE HILDYARD: Right. I wouldn't wish to take you by  
11 surprise.  
12 MR STUART: My Lord, exactly.  
13 Let me just deal with as much as I can at the moment  
14 and reserve my position to perhaps add to this.  
15 My Lord, first of all, dealing with the last point  
16 that your Lordship made and the general scope of this  
17 hearsay notice, can I ask your Lordship to look at  
18 C/118, paragraph 4 of the hearsay notice?  
19 MR JUSTICE HILDYARD: Yes.  
20 MR STUART: My learned friend took you to page 117, where it  
21 does say that:  
22 "The defendants intend to rely on hearsay evidence  
23 at trial, namely:  
24 "(a) investigatory interviews ..."  
25 That's not to say investigatory interviews and

1 witness statements drawn up after those interviews, and  
2 three copies of the transcripts of the investigatory  
3 interviews are those listed, et cetera.  
4 But then 4 is equally important, my Lord, going to  
5 the scope of the purpose of this hearsay notice. Whilst  
6 my learned friend now seeks to adduce this evidence, as  
7 he puts it, as hearsay evidence, ie evidence of the  
8 truth of the contents, as to the truth of the contents.  
9 Number 4 actually says:  
10 "It is not proposed to call the makers of the oral  
11 statements of witnesses because of the availability of  
12 transcripts of the investigatory interviews."  
13 Nothing about witness statements there.  
14 So what is being said is these investigatory  
15 interviews were transcribed at the time, there are  
16 transcripts of those interviews, they appear in the  
17 bundle. Then it goes on:  
18 "... confirming that they are accurate reflections  
19 of the investigatory interviews."  
20 So in other words, this is evidence that this was  
21 said at the time: not that it's true, but that it was  
22 said.  
23 Then, importantly:  
24 "In particular, the transcripts are only relevant to  
25 the extent that a witness in these proceedings relied on

1 them in the preparation of a report."  
2 I presume that is said to be Mr McAlindon. So it's  
3 not being suggested that the content of the statements  
4 is going to be put forward as evidence of the facts  
5 contained in it; it's only being put forward to the  
6 extent that Mr McAlindon says, "Well, I was interviewing  
7 this gentleman, Mr Whittaker. He said this. There is  
8 a transcript of what he said, that's all I am relying  
9 upon."  
10 So I do say that the suggestion that these witness  
11 statements, which are not referred to in a hearsay  
12 notice and which are not covered by the hearsay notice,  
13 are to be used as primary evidence, albeit hearsay  
14 evidence, of the facts contained in them -- I do take  
15 strong objection to it.  
16 My Lord, my learned friend then said, "Well, if they  
17 had a problem about the content of the statements, they  
18 should have raised it". My Lord, on 24 September 2013,  
19 I think you have just been handed -- oh, I am sorry.  
20 MR JUSTICE HILDYARD: It's all right. Yes, I have been  
21 handed a bundle. Does this include it?  
22 MR STUART: Two letters.  
23 MR JUSTICE HILDYARD: Yes.  
24 MR STUART: So we did respond. Admittedly, if it was  
25 a valid, technically valid hearsay notice, we were late

1 because it came over the summer holidays, but we did  
 2 respond on 24 September saying that --  
 3 MR JUSTICE HILDYARD: Yes, I see that.  
 4 MR STUART: -- we do not accept the truth of the contents  
 5 of the statements.  
 6 Now, since the hearsay notice does not say that it's  
 7 going to be relied on as to the truth of the contents,  
 8 it says "only relevant to the extent that a witness in  
 9 these proceedings relied on them", in my submission, it  
 10 would be wholly unfair and irregular for the defendants  
 11 to now be able to argue, "Oh, well, you didn't object to  
 12 it, so we can rely upon it as to the truth of the  
 13 contents".  
 14 So, my Lord, for all of those reasons, and as I say,  
 15 I reserve my position generally in relation --  
 16 MR JUSTICE HILDYARD: Were you taken by surprise, given the  
 17 reference in the pleading?  
 18 MR STUART: My Lord, I am not taken by surprise, save that  
 19 we have said, as soon as we got -- not as soon as --  
 20 somewhat later we raised the point and said, "We don't  
 21 accept the contents of these statements", and --  
 22 MR JUSTICE HILDYARD: I understand that, but putting it  
 23 baldly, I think Mr Potts is suggesting that you have  
 24 come on this point rather late and pursuant to my own  
 25 interjection.

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1 MR STUART: No.  
 2 MR JUSTICE HILDYARD: I have to recall, as I think it's  
 3 probably right that I should, that you did not in fact  
 4 intervene -- it was my intervention -- as if this was  
 5 not a matter of surprise. I don't wish in any sense to  
 6 be unfair, nor for one moment do I wish to suggest that,  
 7 you know, you weren't doing the right thing, as it were,  
 8 but it is a matter of recollection.  
 9 MR STUART: My Lord, the way that this has arisen is that in  
 10 cross-examination of one of my witnesses these documents  
 11 were put to them.  
 12 MR JUSTICE HILDYARD: Yes.  
 13 MR STUART: And that's fine. I can't suggest that  
 14 a document can't be put to a witness. It's in the  
 15 bundle --  
 16 MR JUSTICE HILDYARD: Well, they were being put as if they  
 17 were evidence of the truth, which is the point in issue.  
 18 MR STUART: I will be addressing the question of evidence  
 19 and the reliability of evidence and the admissibility of  
 20 evidence for a certain purpose in my closing  
 21 submissions.  
 22 MR JUSTICE HILDYARD: Okay.  
 23 MR STUART: I don't wish to unnecessarily interrupt  
 24 a cross-examination.  
 25 My Lord, no. Is this a point that comes as

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1 a surprise to us? No. You can see our letter of  
 2 24 September. This is long before the --  
 3 MR JUSTICE HILDYARD: The long and the short of it,  
 4 therefore, is that you say that this document, the  
 5 witness statement with all these funny references to  
 6 statutes and rules, does not permit the reliance on it  
 7 for the truth of what it contains?  
 8 MR STUART: Correct.  
 9 MR JUSTICE HILDYARD: Only for the fact that that is what  
 10 was stated to Mr McAlindon?  
 11 MR STUART: No. Even there, I don't accept that the witness  
 12 statement is the document being referred to in the  
 13 hearsay notice.  
 14 MR JUSTICE HILDYARD: Right.  
 15 So there are two questions. One is: which of the  
 16 documents being identified? Question one. You say: it  
 17 does not extend to the witness statement I have referred  
 18 to. Mr Potts says: on true construction, it does.  
 19 You then say, secondly, even if it does, that  
 20 witness statement is only being referred to as evidence  
 21 of the fact that that was what was told to Mr McAlindon,  
 22 as opposed to evidence of any truth?  
 23 MR STUART: Correct.  
 24 MR JUSTICE HILDYARD: Yes.  
 25 MR POTTS: My Lord, for completeness, your Lordship has seen

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1 the 24 September letter from Akin Palmer. Your Lordship  
 2 should perhaps see the letter of 3 October. Does  
 3 your Lordship have that as well?  
 4 MR JUSTICE HILDYARD: Yes.  
 5 MR POTTS: Do you see paragraph 2.2? It is in response to  
 6 this. It says:  
 7 "No obligation: hearsay evidence ... if your clients  
 8 do not accept the veracity of the statements which our  
 9 clients are entitled to rely on, it's open to them to  
 10 apply to the court."  
 11 So, my Lord, there was a PTR which followed on from  
 12 this. This was in advance of the PTR. If there was  
 13 a concern about this, that was the appropriate juncture  
 14 at which to raise it.  
 15 MR JUSTICE HILDYARD: Yes. Well, although it's interesting  
 16 to have had this discussion, unless the same old  
 17 document is to be relied on intermediately, I should  
 18 have said that the matter can be concluded during the  
 19 course of final submissions.  
 20 MR POTTS: My Lord, I have Mrs Parham here. There are  
 21 matters in terms of what Mr Whittaker said which may  
 22 become relevant during her cross.  
 23 MR JUSTICE HILDYARD: I see. So is this something you  
 24 invite a ruling on?  
 25 MR POTTS: No, my Lord. I think the point is, I accept,

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1 your Lordship, of course, there's issues of weight and  
2 so on, but in my respectful submission, I am entitled to  
3 put the questions. I think my friend says I'm put the  
4 questions.  
5 MR JUSTICE HILDYARD: If he is content with that, that's  
6 fine.  
7 MR POTTS: Then there may be some issues of weight.  
8 I accept, of course, there's an issue of weight in  
9 relation to hearsay statements on any basis.  
10 MR JUSTICE HILDYARD: Is it only weight, or is it  
11 admissibility, if someone has put in a Civil Evidence  
12 Act notice saying they rely on it for this purpose and  
13 then they seek to rely on it for that purpose, can they  
14 shrug their shoulders and say, "Actually, when I said  
15 'this purpose' I meant 'that purpose' sufficiently for  
16 you to be able to attach some weight to it"?  
17 MR POTTS: My Lord, I am entitled on any basis, I think,  
18 my Lord, to put to Mrs Parham --  
19 MR JUSTICE HILDYARD: You are entitled to put any facts you  
20 like.  
21 MR POTTS: Yes, as to what happened on a particular  
22 occasion.  
23 MR JUSTICE HILDYARD: Yes, but not as a previous  
24 inconsistent statement, or as truth --  
25 MR POTTS: Well, it's not --

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1 MR JUSTICE HILDYARD: Evidence of the truth of it. Do you  
2 see what I mean?  
3 MR POTTS: Well, it's not a previous inconsistent statement,  
4 because it wasn't by her anyway. So it's not a previous  
5 inconsistent statement. But I am entitled to  
6 cross-examine her as to her account. I'm entitled to  
7 cross-examine her as to events, I am entitled to  
8 cross-examine her as to credit.  
9 MR JUSTICE HILDYARD: Yes.  
10 MR POTTS: My Lord, my friend of course in submissions can  
11 make issues on weight, but that would be my submission.  
12 MR JUSTICE HILDYARD: All right, that's fine. I had  
13 thought, and I may be mistaken -- and I don't want to  
14 take much more further time on it -- I thought you were  
15 putting Mr Whittaker's statement as being in effect you  
16 saying to a witness, "Mr Whittaker's evidence is ..."  
17 MR POTTS: Yes.  
18 MR JUSTICE HILDYARD: "Comment on that". I don't think that  
19 would be right, would it?  
20 MR POTTS: Sorry, that ...?  
21 MR JUSTICE HILDYARD: Supposing Mr Whittaker says, "Cheese  
22 is blue", you are entitled to put the general  
23 proposition "cheese is blue" to that witness. You can't  
24 say, "Mr Whittaker's evidence is that cheese is blue",  
25 because --

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1 MR POTTS: I can say that Mr Whittaker said that cheese is  
2 blue, because there is a statement where he said that.  
3 MR JUSTICE HILDYARD: Do you accept that?  
4 MR STUART: My Lord, yes. I thought I had made it clear.  
5 My learned friend can cross-examine these witnesses --  
6 MR JUSTICE HILDYARD: By reference to this statement.  
7 MR STUART: -- by reference to the document. The document  
8 is in the bundle. We are not suggesting, and have never  
9 suggested, that the document is a forgery --  
10 MR JUSTICE HILDYARD: No, no, no.  
11 MR STUART: -- of some sort, or anything like that, and it's  
12 being put forward only on the basis that this is what  
13 was said to Mr McAlindon, blah blah blah.  
14 If it wants to be put to a witness of fact, cheese  
15 is blue, that can be put to the witness. It could even  
16 be said, "Mr Whittaker said that cheese is blue; what do  
17 you say about that?" The witness can then either reply,  
18 "I don't know, I wasn't there" or, "Yes, he said that"  
19 or, "No, he didn't". I don't know what will be said.  
20 What I don't accept is that the document is witness  
21 evidence for the purposes of this trial of the fact that  
22 cheese is blue.  
23 MR JUSTICE HILDYARD: That, I understand.  
24 I sense that neither of you is pressing for a ruling  
25 or inviting one; that each of you thinks that the

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1 position is clear in your own mind and that having been  
2 raised as a topic, if you consider that any of Mr Potts'  
3 questions proceed on a false basis, you will intercede,  
4 and that then the question as to what, if any, weight is  
5 to be attached will have to be dealt with in the  
6 ordinary run of things after or in the course of closing  
7 submissions.  
8 MR POTTS: My Lord, yes. And I raised it now because your  
9 Lordship asked me to deal with it and it seemed this was  
10 the appropriate time.  
11 MR JUSTICE HILDYARD: I am very grateful to you. I'm sorry  
12 you were taken by surprise. I had misunderstood.  
13 MR POTTS: It wasn't any attempt -- I'm sorry if my friend  
14 was.  
15 MR STUART: I am sure it wasn't. I am just saying I didn't  
16 know about it until 10 o'clock.  
17 MR JUSTICE HILDYARD: What's the next thing?  
18 MR STUART: Mrs Parham.  
19 MR JUSTICE HILDYARD: Right.  
20 MRS SHAKILA PARHAM (sworn)  
21 MR JUSTICE HILDYARD: Mrs Parham, do sit down. You have  
22 some water, I hope, and you will be handed files.  
23 THE WITNESS: Thank you.  
24 Examination-in-chief by MR STUART  
25 MR STUART: Mrs Parham, you are in bundle B, and if you go

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1 to tab 1, I think we find your first statement.  
 2 A. Yeah.  
 3 Q. Can you just confirm that that is your statement,  
 4 pages 1 through to 52, and that it's signed by you  
 5 on 52?  
 6 A. Yes.  
 7 Q. I believe there are three corrections you wish to make?  
 8 A. Yes, that's right.  
 9 Q. If you would go to page 15, paragraphs 81 to 82, you  
 10 refer there to a visit, do you see that, in  
 11 September 2010?  
 12 A. Yes.  
 13 Q. You refer specifically to a document at E1/244. Could  
 14 you be shown E1/244 through to 248? You refer to the  
 15 RDM visit and a report of that visit at pages 245  
 16 to 248?  
 17 A. That's right.  
 18 Q. In your witness statement at present it reads that  
 19 Mr Rajan instigated that visit, et cetera, et cetera.  
 20 Do you wish to correct that?  
 21 A. Yes, please. To Helen Wilson. Yes, I would like to  
 22 correct point 81. It wasn't Mr Rajan, it was  
 23 Helen Wilson.  
 24 Q. Okay. Then if we move swiftly on to paragraph 156.  
 25 A. Yes.

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1 Q. Page 27 of our bundle, B/27.  
 2 A. Yes. I would like to adjust paragraph 156:  
 3 "The salaries was cut off on the Saturday, 5 March."  
 4 Q. Not Friday, 4 March?  
 5 A. Not Friday the 4th.  
 6 Q. Okay.  
 7 Finally, paragraph 172, which is on page 29.  
 8 A. Yes.  
 9 Q. It says at the end that you asked for a meeting to  
 10 discuss the resignation that had just happened?  
 11 A. That's correct.  
 12 Q. I understand you wish to correct that?  
 13 A. Yes, I would like to adjust. It wasn't a meeting, it  
 14 was a phone call without prejudice.  
 15 Q. So you asked for a phone call not a meeting?  
 16 A. A phone call, not a meeting. The email stated "the  
 17 phone call".  
 18 Q. If you would then flick forward to tab 2 in bundle B, we  
 19 see your second witness statement.  
 20 A. Yes.  
 21 Q. A shorter one. Page 53 through to page 60, signed by  
 22 you I think on page 60?  
 23 A. Yes.  
 24 Q. Do you confirm that that is your second statement?  
 25 A. Yes, I do.

22

1 Q. And that the contents are true?  
 2 A. That's correct.  
 3 MR STUART: If you would just wait there, Mr Potts will have  
 4 some questions for you.  
 5 MR JUSTICE HILDYARD: Subject to those corrections,  
 6 Mrs Parham, you confirm the truth of your first witness  
 7 statement?  
 8 A. That's correct.  
 9 MR JUSTICE HILDYARD: Thank you.  
 10 MR STUART: I am sorry, my Lord. I should have asked that.  
 11 Cross-examination by MR POTTS  
 12 MR POTTS: Good morning, Mrs Parham.  
 13 A. Good morning.  
 14 Q. Do you have your first statement, please, and if you  
 15 could have that open at -- just dealing with the sort of  
 16 prehistory. Paragraph 15, you deal with that.  
 17 You purchased your A shares in Uckfield Specsavers  
 18 Limited in November 2003?  
 19 A. Correct.  
 20 Q. You weren't a stranger to Specsavers at that point, were  
 21 you?  
 22 A. No, I had been with Specsavers since January 1999 when I  
 23 owned Hammersmith store.  
 24 Q. You have been a shareholder and the optical director of  
 25 Hammersmith since January 1999?

23

1 A. That's correct.  
 2 Q. You had previously, in fact, worked as a locum in  
 3 a couple of other stores as well before that, Ealing and  
 4 Uxbridge, was it?  
 5 A. That's correct, yes.  
 6 Q. So you had been working for Specsavers for five years  
 7 before opening Uckfield, in fact, from September 1998  
 8 I think you started?  
 9 A. That's correct.  
 10 Q. Yes, so Uckfield was initially quite a small store,  
 11 a new start-up, wasn't it?  
 12 A. Yes, it was a brand new store.  
 13 Q. And you were the sole A shareholder and director at that  
 14 point?  
 15 A. The sole director of that store, that's correct.  
 16 Q. I think in December, your evidence -- it seems probably  
 17 a long time ago; before Christmas. But you gave some  
 18 evidence that it wasn't uncommon for a new store to be  
 19 opened with a single JVP?  
 20 A. It wasn't uncommon, no.  
 21 Q. You say you saw Uckfield as your business because unlike  
 22 Hammersmith you owned all the A shares; is that right?  
 23 You see that in paragraph 19 of your statement, I think,  
 24 if it helps.  
 25 A. Can you repeat the question again, please?

24

1 Q. Yes. You say, I think, that you saw Uckfield as your  
 2 business. It was different from Hammersmith because you  
 3 were the only A director; correct?  
 4 A. Yes, because with Hammersmith I shared it with  
 5 Rita Francis, who is the retail director, and the  
 6 A shares were 50 per cent mine and 50 per cent  
 7 Rita Francis. And Uckfield, being sole director,  
 8 100 per cent of the profits were mine.  
 9 Q. You signed a shareholders' agreement in 2003?  
 10 A. That's correct.  
 11 Q. On Uckfield. Another one in 2006 --  
 12 A. That's correct.  
 13 Q. -- when your husband joined?  
 14 A. That's correct, when my husband joined, yes.  
 15 Q. And you had -- in fact, this was the third shareholders'  
 16 agreement because you had entered into one with  
 17 Hammersmith as well?  
 18 A. That's right.  
 19 Q. As well. So under the terms of those agreements you  
 20 appreciated that this was a joint venture between you  
 21 and Specsavers, because in fact there were two  
 22 shareholders in the company, you and Specsavers?  
 23 A. Well, I've always treated it as joint venture partners,  
 24 yes, that's why I bought into Specsavers, was about the  
 25 partnership, the whole partnership, relationship. It's

25

1 about being together.  
 2 Q. You appreciated that the company, the business belonged  
 3 to a company in which you and Specsavers were  
 4 shareholders?  
 5 A. Yes.  
 6 Q. There were detailed provisions in that shareholders'  
 7 agreement, which you appreciated, covering what you,  
 8 your obligations were under the agreement?  
 9 A. Well, to be honest with you, I didn't. When I started  
 10 in January 1999 with Specsavers I had recently  
 11 qualified, I had been a dispensing optician for three  
 12 years, and then I did the contact lens optician course  
 13 for two years, and I did the optometry course for four  
 14 years. And as soon as I qualified, Chris Howarth,  
 15 Tim Moyles -- these were all previous colleagues of mine  
 16 in the previous opticians that worked together with. As  
 17 soon as I qualified, they had all, when they came out of  
 18 university, they had gone to Specsavers.  
 19 So when I came out and qualified, it was  
 20 Tim Moyles -- who had actually rung me up, he was the  
 21 professional recruitment for directors for Specsavers,  
 22 rang me up and said, "Why don't you have a store? We  
 23 can give you Hammersmith".  
 24 So I actually didn't need to read any of the  
 25 shareholders' agreement, and to be honest with you

26

1 I didn't read it. I had bought into the fact that  
 2 Specsavers, as a joint venture partnership, can do the  
 3 running of the business -- when I say "running of the  
 4 business", do the management, do the IT, just run it  
 5 all -- and I can just do what I do best, which is sight  
 6 testing.  
 7 So that's how I got into it. I didn't read the  
 8 shareholders' agreement (inaudible). I didn't need to,  
 9 because they brand themselves as the most trusted  
 10 optician. So when you have trust, you have truth, so  
 11 I didn't need to read it. All my colleagues, when  
 12 I qualified, were already owning a Specsavers store, and  
 13 that's how I bought into it. That's --  
 14 Q. You are talking about back in 1999?  
 15 A. That's right. And the same ethos when I had Uckfield.  
 16 You know, when I had Hammersmith -- and the reasons why  
 17 I sold Hammersmith was to get out of London. And I had  
 18 my first child by IVF and wanted to go out into the  
 19 country, and it was Chris Howarth who said, "Don't sell  
 20 Hammersmith. You can open up Uckfield if you want to go  
 21 to East Sussex, and we can open up a brand new store for  
 22 you."  
 23 So it was all about our relationship together. It  
 24 wasn't about contracts.  
 25 Q. Well, you signed three contracts --

27

1 A. I signed three.  
 2 Q. -- and you didn't read any of them?  
 3 A. That's right. Didn't need to. Specsavers brand sells  
 4 the most trusted opticians. I didn't need to. For me  
 5 on paper it's about the relationship.  
 6 To be honest with you, I lived and breathed  
 7 Specsavers, the whole experience. And the moral behind  
 8 the Specsavers brand was absolutely fine from the start.  
 9 There was no problems. We had a really good  
 10 relationship, in fact. I didn't have a problem with  
 11 Specsavers at all until the time of my exit. So  
 12 I didn't need to, I didn't have a problem.  
 13 Q. Okay. You appreciated that under the agreement or,  
 14 indeed, how you operated there was a dividend policy in  
 15 relation to that in relation to how you would take  
 16 profits out; you appreciated that?  
 17 A. I appreciated that.  
 18 Q. And you appreciated that the profits in the business in  
 19 the first instance belonged to the company?  
 20 A. Yes, absolutely, absolutely.  
 21 Q. And you appreciated that you would be provided with --  
 22 accounts would be prepared based on information which  
 23 you provided?  
 24 A. It wasn't based on the information provided at all.  
 25 Specsavers take that information. We don't -- we have

28



1 independent auditors come to the store every year. But  
2 actually that's a lie: independent auditors. We pay for  
3 that. But they don't come into my store to get that  
4 yearly information. Specsavers Optical Group provide  
5 the information.

6 So they produce all the accounts, they -- I'll be  
7 honest with you, I don't understand the accounting  
8 business at all in that respect. What I do best is  
9 testing, the clinical side of the business. So when we  
10 receive the accounts, I trust Specsavers that they are  
11 fully correct. I wouldn't even know if they were  
12 incorrect, you know, I know that everything was always  
13 okay. When I -- one thing I checked was the end of year  
14 financial accounts that we have to sign, me and John,  
15 and our responsibilities. Everything is -- well, we  
16 sign it, because they do get you to sign it, that there  
17 is no dishonesty or fraud in there. So that's how  
18 I understood it.

19 Q. Okay. Specsavers are not in the store on a daily basis,  
20 are they?

21 A. SOG, you mean?

22 Q. Yes, SOG. If I refer to Specsavers for shorthand --

23 A. Okay.

24 Q. -- it gets a bit confusing, but let me just refer to  
25 them as "Specsavers".

1 Specsavers aren't in the store on a daily basis, are  
2 they?

3 A. Well, they shouldn't be, because the A shareholders are  
4 entitled to -- where we do the day-to-day management.

5 Why would they be in my store every day?

6 Q. I wasn't --

7 A. Oh, sorry.

8 Q. I was just asking -- so the answer to my question is:  
9 yes, you accept that they weren't in the store on a  
10 daily basis?

11 A. Absolutely.

12 Q. And you accept that you were providing information to  
13 the accounts department in relation to the day-to-day  
14 operations of the business?

15 A. No. They receive it, they get it automatically  
16 themselves anyway. I wasn't sending off the accounts.

17 They get it all from the SOCRATES system, the till  
18 system. It's all pulled every day. They receive it.

19 So I am not sending things off. We send all the  
20 invoices off, whatever's purchased in the shop, we send  
21 it off to Nottingham or Guernsey, they receive it, they  
22 collate that information.

23 Q. But you send off invoices, for example, from third party  
24 suppliers --

25 A. Yes, absolutely.

1 Q. -- for payment by the company?

2 A. Absolutely.

3 Q. You also provide information in relation to your  
4 expenses?

5 A. Everything goes Specsavers. I signed up everything.

6 Q. And you appreciated that the decision to -- you remember  
7 the bottom line statements you used to get on a monthly  
8 basis would show references to the profits available for  
9 distribution?

10 A. Correct, yes.

11 Q. And that those were based on the accounts?

12 A. Yes.

13 Q. And you appreciated that the profits that you were  
14 entitled to draw depended upon the accounts and, indeed,  
15 that the accounts were accurate?

16 A. Yeah, because I trusted Specsavers. Absolutely. Why  
17 would I not trust them?

18 Q. And, indeed, the decision to pay dividends,  
19 distributions to you required their agreement as well?

20 A. It always required their agreement, as far as  
21 I understood it.

22 If I or my husband requested a dividend, say 5,000,  
23 if it came back rejected and said, "Only the accounts  
24 can give you 2,000", we always accepted it. That's the  
25 way the relationship always worked and that's for all

1 store partners.

2 It wasn't a case of you can sit down and discuss,  
3 you know, what's available, what you can do. Specsavers  
4 told you what you can and cannot take.

5 Q. And that was based on the accounts?

6 A. Always based on the accounts, yes, what's available.  
7 And we were fine about it. There was actually not a  
8 problem about it.

9 Q. Paragraph 23, as you say, I think you have already  
10 referred to the fact that --

11 A. Paragraph ...?

12 Q. Paragraph 23 of your statement. You say that from 2003  
13 until March 2011 you considered you had a good  
14 relationship with Specsavers and didn't give them any  
15 trouble; correct?

16 A. If you can let me read it, paragraph 23.

17 Q. It's the first sentence. (Pause)

18 A. Absolutely. You read it, it says:  
19 "The partnership is for Specsavers, it's all about  
20 the partnership. Partnership is in the heart of  
21 everything we do."

22 Absolutely had no problems with Specsavers at all.  
23 In fact, if anybody knew me, my family, they used to  
24 always laugh, because they would say, "Shakila, you live  
25 and breathe it", me and my husband, we did everything by

1 the book. It wasn't a question of -- we just wanted to  
 2 be, you know, just wanted to get on with our life.  
 3 Whatever they said, we did, and that shows in the  
 4 example of shop fits, anything, you know, that was  
 5 required, we did it. We signed up for the top team  
 6 accounts, the top team profit share, we did it. There  
 7 was not one thing --  
 8 Q. Mystery shopper?  
 9 A. Mystery shopper, everything.  
 10 Q. You participated fully in all the training, all the  
 11 requirements that were there, because in terms of  
 12 operating the business you didn't have an entirely free  
 13 hand, you appreciate that, in relation to how you  
 14 operated the business; there were requirements as to how  
 15 should operate the business to protect the Specsavers  
 16 brand?  
 17 A. We were always protecting the Specsavers brand, and  
 18 whatever they put forward to us, we did it all. So  
 19 mystery shopper, even though I agree with Bognor case,  
 20 I thought the camera was not necessary in the sight  
 21 testing room. It's personal, it invades your privacy,  
 22 and we are professional opticians. We don't need the  
 23 video camera to tell you how, you know, good your sight  
 24 test is.  
 25 So there are certain things that I disagreed with --

1 Q. But you didn't --  
 2 A. -- but I didn't open voice to them, I just did it,  
 3 because I didn't want the headache, with Specsavers, to  
 4 come at me for anything.  
 5 Q. And you say you thought your relationship with them was  
 6 good?  
 7 A. Well, I had no -- there has been no communication  
 8 evidence put forward to me that they had a problem with  
 9 me, and I've never put forward any evidence to them that  
 10 we had a problem.  
 11 Q. And you didn't think you had a problem with them either?  
 12 A. Apart from the Sunday trading. That is the only thing  
 13 I had a problem with them with.  
 14 Q. We will come on to that in a moment.  
 15 In relation to paragraph 30, I think you refer to  
 16 an increase in your salary by 25 per cent. Could I take  
 17 you to E1, please, page 93?  
 18 A. Page ...?  
 19 Q. E1/93. Do you want to just give that a quick read?  
 20 (Pause)  
 21 Sorry, you are looking at your witness statement?  
 22 A. Yeah.  
 23 Q. Right. Could you look at the document, please? Do you  
 24 want to have a quick -- you are reading through that.  
 25 Let me know when you have ... (Pause) Okay?

1 A. Yes.  
 2 Q. Just in the final paragraph he makes the point that your  
 3 salary had in fact been increased from 40,000 to 45,000  
 4 in March 2008 and that had been backdated. Do you see  
 5 that?  
 6 A. Yeah.  
 7 Let me tell you the history of this, my Lord. This  
 8 is all about, I took on an optician, because where  
 9 Uckfield is, it's very, very difficult to get opticians.  
 10 So I took a student pre-reg optician, Ruhela Choudhury,  
 11 who qualified. She came from Birmingham to East Sussex.  
 12 When she qualified, she had to do a year with us, so I  
 13 paid her 25,000 to retain it, because Specsavers were  
 14 always saying to us, "Try and get good opticians, get  
 15 them to stay with you".  
 16 Now, Ruhela Choudhury, after training her for that  
 17 clinical year and having her for a year, I wanted her to  
 18 live in Uckfield and stay. So to do that, and get --  
 19 buy a house, I wanted to request that her salary gets  
 20 increased from 26,000 to 40,000. When -- I told my  
 21 husband, "It's worth it to invest on a good optician,  
 22 especially where we are, because where we are, the  
 23 village, the town don't like locum opticians". So he  
 24 put in that request in the payroll system and it was  
 25 automatically sanctioned. No question about it.

1 Now, I had been with Specsavers since January 1999,  
 2 on 40,000. In ten years I didn't have a salary  
 3 increase. So when I thought, well, if we are both on --  
 4 she is on 40,000, and I am on 40,000, and I am  
 5 a director and I have been with the business ten years  
 6 and I have invested in the company, I was annoyed when  
 7 it got rejected, because I put this request in. That's  
 8 all it was: writing a letter to Derek Dyson to explain  
 9 why it got rejected.  
 10 Q. Okay. He makes a couple of points in response to your  
 11 concerns about this. He mentions a point that there is  
 12 a 5 per cent annual cap on JVPs, and then he refers to  
 13 the fact that that's also -- there is a reference to  
 14 that in the shareholders' agreement, isn't there, about  
 15 5 per cent, that requires their consent?  
 16 A. Yeah, but all I was saying was that this shareholders'  
 17 agreement was always so strict with the director, and  
 18 there is no flexibility in it. We have to stick by it,  
 19 by the book. Yet when you do an employee, they can have  
 20 anything, you know, employee -- and I am an employee of  
 21 Uckfield, but when I am a shareholder it seems to me --  
 22 the way I looked at it was the employee was getting  
 23 better rights than I was as a shareholder and a director  
 24 of the company. You know, why is it that Specsavers, we  
 25 have to put that request in? Because we are not on the

1 payroll system, all the store companies do not have the  
 2 directors on the payroll system, we have to put that  
 3 request in, because it's Specsavers in Guernsey that  
 4 controls the directors' salary.  
 5 I know you are going to say it's the shareholders'  
 6 agreement and I've signed up to it, but like I said, we  
 7 signed up to it all. You know, it's all tied in, it's  
 8 all controlled in the shareholders' agreement. So I've  
 9 got two contracts, you know: one is the employee of  
 10 Uckfield and one is the shareholders' agreement, and  
 11 I just felt that, you know, they would question me for  
 12 that, and they had no problems with Ruhela Choudhury who  
 13 had only been qualified for a year.  
 14 Q. In the third paragraph, Mrs Parham, Mr Dyson also  
 15 pointed out to you that as JVPs you take dividends out  
 16 from the business when profit levels allow, and that is  
 17 considered a long-term reward. So he was making the  
 18 point to you that your reward wasn't just your salary,  
 19 it was your ability to move the business into profit and  
 20 to take returns out in that way as well; do you see  
 21 that?  
 22 A. Yeah, but my point here is, again, that of course I knew  
 23 that I am entitled to all the profits of the business  
 24 and to look at the bigger picture as he explains. But  
 25 the bigger picture is that I had spent 170,000 on

1 Uckfield Specsavers, and I've invested it. It took me  
 2 and my husband two years of six days a week to work and  
 3 pay that all off. And so we paid that all off, we  
 4 worked hard, it was a case of: yes, we know the bigger  
 5 picture, we have already invested a lot of money, now we  
 6 want the rewards just to increase that salary. It  
 7 wasn't a big thing, a big request.  
 8 Q. In paragraph 33 of your statement you say that it's now  
 9 clear to you that the policy of keeping a firm lid on  
 10 store partners' earnings was simply a way of forcing  
 11 JVPs to leave as much of their rewards in the business  
 12 as possible so as to maximise the funds available for  
 13 seizure whenever Specsavers chose to move against all  
 14 partners on some pretext or another. Is that right?  
 15 That's what you say?  
 16 A. That's right, because basically in 2008 when I put this  
 17 request, this is the start of the Sunday trading plot.  
 18 This is the start of pulling up the agenda.  
 19 So behind the scenes -- I wasn't going to open  
 20 Sunday. They are looking behind the scenes. It is, you  
 21 know, retaining, you know, all my profits and  
 22 everything, because this is where everything started to  
 23 slowly behind the scenes getting frustrating.  
 24 Q. We have looked at Mr Dyson's letter. In that letter he  
 25 was explaining the business case for keeping salaries

1 down, wasn't he?  
 2 A. Absolutely. I knew that all the time. I just couldn't  
 3 understand why he couldn't explain fully. I already  
 4 knew that the bigger picture was the profits, that's the  
 5 only thing. We were glorified opticians, really. That  
 6 was the only thing. If got a basic salary 40, and I was  
 7 looking at the bigger picture, and all I am asking is:  
 8 look at me as an individual. I'd been with the business  
 9 for ten years, I knew the ethos behind it, I was working  
 10 hard. He could see it. He said "You are a good optom,  
 11 there is no denying that", so why couldn't he just say,  
 12 "Yes, no problem, we'll give you that 10,000".  
 13 If I had requested the way that they are saying,  
 14 a 5 per cent increase every single year, Mr Potts, over  
 15 the ten years, it would have been over the 10,000  
 16 anyway. So it was ridiculous to say that just because  
 17 I didn't follow the steps, every year 5 per cent, and  
 18 I didn't and he could see that, and I was just telling  
 19 him that, why don't you just give it to me in one big  
 20 hit?  
 21 But anyway, he gave me 5,000. I did accept it, and  
 22 when the following year I was hoping to get the other  
 23 5,000 it got rejected.  
 24 So the simple answer is I just -- whatever they said  
 25 I did anyway. But it was just -- it was not explained

1 very well. I mean, I just couldn't understand why. And  
 2 that is why 33 comes in, probably because you were there  
 3 behind the scenes, getting ready for my rejection, which  
 4 I can see now, that did happen anyway.  
 5 Q. Just to break that down, you are saying your case is  
 6 that Mr Dyson didn't believe these matters that he was  
 7 saying, it was just an excuse in advance of trying to  
 8 keep money in the business so that they could seize your  
 9 shares. Is that right?  
 10 A. I do believe it, because there was no logic for  
 11 Derek Dyson to reject it really.  
 12 Q. So --  
 13 A. He's just following by a shareholders' agreement that  
 14 I should follow the shareholders' agreement, that's all  
 15 he was looking at. He wasn't looking at me as an  
 16 individual, was he?  
 17 Q. Are you saying this was directed just at you, the idea  
 18 of keeping salaries capped? That was aimed just at you?  
 19 A. Well, who else would it be?  
 20 Q. You actually say it was a general basis to force stores  
 21 to hold cash so it could be seized.  
 22 A. Where is that?  
 23 Q. Are you saying this was just aimed at you, or it was  
 24 more general?  
 25 A. Are you referring to --

1 Q. Paragraph 33. You say "the policy of keeping a firm  
 2 lid". That suggests that's a general policy?  
 3 A. Well, now I know what I now know, yes, there is a lot of  
 4 store directors out there that have been ejected by the  
 5 business. And, you know, from my knowledge they did all  
 6 have shop refits before they were ejected. And I had  
 7 a shop refit of 50,000, knowing that Specsavers were  
 8 going to eject me behind the scenes the disclosures are  
 9 there, I only for one year had the store. I was at the  
 10 store after one year of having a shop refit of 50,000.  
 11 I had spent 50,000 in 2009/2010 and was ejected in  
 12 March 2011.  
 13 Why did you get me to spend 50,000 when behind the  
 14 scenes Specsavers knew they were going to kick me out?  
 15 Q. So you are saying that there was a decision to get rid  
 16 of you, it had already been decided to get rid of you as  
 17 of April 2008, to get rid of you three years later  
 18 in 2011; is that right?  
 19 A. Well, that's the start of the Sunday trading plot.  
 20 Q. Can you answer my question? Are you saying that it had  
 21 already been decided to get rid of you in 2008, to get  
 22 rid of you? That decision had already been taken?  
 23 A. Well, that is my opinion.  
 24 Q. Who had taken that decision in 2008? (Pause) Who had  
 25 taken that decision at Specsavers, do you say, in 2008?

1 A. Well, all I am saying is that in 2008 I put this request  
 2 in. It wasn't a -- you know, too much to ask. It  
 3 didn't --  
 4 Q. Could you answer my question, Mrs Parham? You have  
 5 asserted that the decision had been taken in 2008 to  
 6 eject you. I am asking you who in Specsavers had taken  
 7 that decision?  
 8 A. Well, Specsavers, as partners. When you say  
 9 "Specsavers", it could be, I don't know anybody in  
 10 particular. But Specsavers, you know, now Derek Dyson,  
 11 Mark Raines, I don't know. The people behind the Sunday  
 12 trading plot.  
 13 Q. So you are saying that this letter was a false and  
 14 dishonest letter by Mr Dyson and that he had already  
 15 decided to eject you; is that right?  
 16 A. No, I am just -- all I am saying is that that is my  
 17 opinion, you know. This -- I just feel that, you know,  
 18 why stop, you know, me having a pay rise when, you know,  
 19 there was an agenda going on. So that's how I felt.  
 20 Q. You are making a serious allegation, Mrs Parham. You  
 21 are saying that in 2008 Specsavers had decided to get  
 22 rid of you already. You are relying upon this letter  
 23 and saying that --  
 24 A. I didn't say they'd decided. They'd put --  
 25 Q. -- this policy was part of a way of holding money in

1 with a view to getting rid of you?  
 2 A. Well, certainly holding my money in. So just put it as  
 3 you are retaining, you know, as much, you know, of my  
 4 profits in at the start of 2008.  
 5 Q. And you say that's with a view to ejecting you?  
 6 A. Well, that's my opinion, as I said.  
 7 Q. So you are saying that Mr Dyson had that aim when he  
 8 wrote that letter? Is that what you are saying?  
 9 A. Yes.  
 10 Q. I put it to you that Mr Dyson has explained the business  
 11 reason for typically not granting salary increases of  
 12 more than 5 per cent in that letter, and that's  
 13 a perfectly rational business decision.  
 14 A. Because it's from the shareholders' agreement, yeah.  
 15 Q. Not just because it's in the shareholders' agreement, he  
 16 also talks about in tough economic times, doesn't he?  
 17 A. Well, first of all, you know, why don't we sit down and  
 18 have a board meeting and, you know, chat about my  
 19 salary. It was a request I put in. I always, you  
 20 know -- he could have discussed it with me and looked at  
 21 me as an individual and not as, you know, a part of the  
 22 shareholders' agreement.  
 23 Q. You are saying this was a general policy. There were  
 24 700 stores, weren't there, Mrs Parham?  
 25 A. Yes.

1 Q. Specsavers stores, you are saying there was a general  
 2 policy to hold down the salaries of all 700 stores  
 3 because Specsavers wanted to get rid of the partners; is  
 4 that right?  
 5 A. Like I said, Mr Potts, I know quite a few directors that  
 6 have left, for whatever reason. Well, they have left,  
 7 and they have had shop refits before they left. So  
 8 I just feel that, you know, Specsavers do like to retain  
 9 as much possible money before they eject their  
 10 directors, and I stick by it.  
 11 Q. You are saying that that decision had been taken three  
 12 years earlier in April 2008 by Mr Dyson?  
 13 A. Yes.  
 14 Q. Who else do you say had taken that decision --  
 15 A. I don't know, because --  
 16 Q. -- by that date. Apart from Mr Dyson. Is there anyone  
 17 else?  
 18 A. No.  
 19 Q. No?  
 20 A. (Shakes head)  
 21 Q. In paragraph 34 you refer to Specsavers refusing to  
 22 agree distributions in the amounts shown in bottom line  
 23 reports. Do you see that? You say this caused  
 24 bemusement. You haven't provided any details of which  
 25 requests and which dates are talking about here,

1 have you?  
 2 A. Can you show me?  
 3 Q. I am just showing you paragraph 34 of your statement.  
 4 (Pause)  
 5 A. Yeah.  
 6 Q. As I said, you don't provide any details of what  
 7 requests and what dates you are talking about in your  
 8 statement, do you?  
 9 A. Can you -- show me E1/089?  
 10 Q. That's dealing with the request. It's not dealing with  
 11 anything being turned down.  
 12 A. Well --  
 13 Q. In fact, actually I don't think it's doing that either.  
 14 Is it 90-2? Is that what you are talking about? If  
 15 that assists you, in the middle of the page:  
 16 "To cancel our existing standing order ..."  
 17 It's a request for a £6,000 dividend request.  
 18 A. So that's in E1/0089?  
 19 Q. No, I think it's -- no. The top, J, is an approval for  
 20 a dividend back in 2008 for 6,000.  
 21 A. Which one are you looking at, Mr Potts?  
 22 Q. Mrs Parham, sorry, you wanted to go to the document,  
 23 I am sorry, if it assists you. The point I was asking  
 24 you about isn't on these documents at all. I am saying  
 25 that you have not identified details of requests which

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1 have been refused based on bottom line reports in your  
 2 statement; correct?  
 3 A. No, what I am saying is when we do put a request in, my  
 4 husband used to set up a standing order request for  
 5 2,000, and when it would come back they would be  
 6 projected.  
 7 Q. Firstly, in fact I think it's actually at 3,000 a month  
 8 rather than 2,000, which is referred to, each. So it's  
 9 6,000 a month in total.  
 10 A. What page are you looking at, sorry?  
 11 Q. You can see that at 89, and also, I don't know about  
 12 standing order -- then in fact 90-2, if that assists  
 13 you. This is back in 2007, August, so it's quite a long  
 14 way back, and it says 3,000 per month. Do you see that?  
 15 90-2. Sorry, the numbering is confusing.  
 16 If you find 90 and turn two pages on. This is going  
 17 way back to August 2007. Do you see?  
 18 A. Yes, August 2000 ...  
 19 Q. That's talking about a request at that point for, in  
 20 fact it's 3,000 each per month, so 6,000 per month.  
 21 A. Sorry, I am still confused which page we are on.  
 22 Q. Do you have 90-2? There is a document which says  
 23 "Attention James" in the top right.  
 24 A. Sorry, sorry.  
 25 Q. That's the document you referred to, it's August 2007.

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1 Do you see?  
 2 A. Yes.  
 3 Q. It says:  
 4 "Distribution request, August 2007, for 3,000 per  
 5 month each," so 6,000 per month?  
 6 A. Yes.  
 7 Q. Do you see that? So I think there may be a mistake in  
 8 your statement, but you are talking about the position  
 9 back in August 2007, a request for 6,000 per month?  
 10 A. This is just one sheet, so we had several.  
 11 Q. That's the one you have exhibited and you refer to in  
 12 your statement.  
 13 A. Well --  
 14 Q. So -- sorry, I interrupted you.  
 15 A. All I can say is that because my husband dealt with the  
 16 administration, all I know, I refer to, is that there  
 17 will be times when we receive it, and there will be  
 18 times when we don't. And ... yeah, and basically the  
 19 year -- they had no problem setting up the standing  
 20 order for the shop, our shop fit account, but when it  
 21 came to -- when we cleared that and got the 50,000, when  
 22 it came to having requests for ourselves, we didn't  
 23 always get the full request.  
 24 Q. Right. And you appreciate -- I think we dealt with this  
 25 earlier -- that your payment of dividends was dependent

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1 upon the bottom line reports showing that there were  
 2 profits and cash(?) available to pay them. So you  
 3 weren't entitled in any basis to £6,000 a month, it  
 4 depended upon whether there were profits in the business  
 5 as shown in the bottom line reports?  
 6 A. We always -- yeah, I appreciated that, and we always  
 7 followed what Specsavers said we can and cannot take.  
 8 Q. Right. And the point I'm making is in paragraph 34,  
 9 where you talk about where you requested dividends which  
 10 bottom line reports showed were available and that they  
 11 were not approved in full, you do not identify in fact  
 12 any case where you did not receive the correct level of  
 13 dividend based on the bottom line reports in your  
 14 witness statement, do you?  
 15 A. Well, in 382, E2/382 ... (Pause)  
 16 Q. So you refer to E2/382. That's the document which is  
 17 referred to; correct? That's not a request for payment  
 18 of a dividend, is it?  
 19 A. (Pause) I am getting confused here now.  
 20 Q. So -- okay. That's to do with expenses?  
 21 A. Yeah, that's a credit card rejection on eBis.  
 22 Q. I think there may be some new documents. Let me just  
 23 deal with that. Do you have a 382-01?  
 24 A. Ah, here. That's it. That's it. This is the one.  
 25 MR STUART: Does your Lordship have it? I don't seem to

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1 have it.  
 2 MR JUSTICE HILDYARD: No.  
 3 (Handed)  
 4 MR POTTS: Is it that?  
 5 A. That's the one, yeah.  
 6 Q. That's because there are not sufficient reserves?  
 7 A. Well ...  
 8 Q. You appreciate --  
 9 A. When my husband deals with the bottom line accounts,  
 10 what it says on the bottom line accounts says, for  
 11 example, say if it says £6,000, and when he requests  
 12 that £6,000, I remember him -- will say it will get  
 13 rejected. What was confusing is what -- written on the  
 14 bottom line when you request it you didn't get it,  
 15 because at the time the accounts money is not available.  
 16 I remember John saying the bottom line accounts when  
 17 we get it monthly was always different from the bank  
 18 account availability. It never tallied on the same  
 19 month. So --  
 20 Q. You appreciated there were guidelines on distributions?  
 21 A. There were always guidelines, and we always followed --  
 22 looked at the guidelines, and said, yes, whatever the  
 23 bottom line said we can take out -- because that's the  
 24 only page I looked at. If it said, "Right, you are  
 25 allowed to take £5,000 that month", when you requested

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1 that £5,000 for that month, it would come back rejected  
 2 and say, "Actually, we can only distribute 3,000". For  
 3 whatever reason. It was not money in the account, we  
 4 just felt that, why put it on the bottom line that you  
 5 can take it out, because by the time that you request it  
 6 you can't have it? You can't have that full amount.  
 7 Q. This is dealt with in Ms Mancini's evidence. Could you  
 8 go to E1/53, please?  
 9 There's a table of requests for bonuses and  
 10 dividends. Do you see, there are 66 requests. There  
 11 are some examples in 2007 where the full amount  
 12 requested -- in fact, you had made requests not for  
 13 6,000, but higher requests for 10,000; do you see?  
 14 A. Bear with me.  
 15 Q. 2007/2008. (Pause)  
 16 A. Well, there you go, Mr Potts. You can see from 2008,  
 17 the start right all the way down to 2011, you get  
 18 request --  
 19 Q. I'll give you the numbers in a minute, certainly. I am  
 20 just asking you about the 2007/8 ones first. You see  
 21 there are some requests for 10,000, and you got lesser  
 22 amounts then?  
 23 A. Yes, correct.  
 24 Q. In fact some were rejected. 16 of the 18 rejections  
 25 were in the period July 2009 to November 2010. Do you

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1 see those towards the bottom where it says "insufficient  
 2 cash, insufficient profit"?  
 3 A. Yes, I see them.  
 4 Q. As I said, distributions were based on bottom line  
 5 reports as to what was available. Now, can you see, for  
 6 example, could I just take you to E2, please, page 525?  
 7 Do you have 525? This is from your accounts. This  
 8 is your profit and loss account. It shows the 2010  
 9 profit and, by comparison, the 2009 profits. Do you see  
 10 that?  
 11 A. Yes, bear with me one second.  
 12 Q. Yes, of course. (Pause)  
 13 A. Yeah, right. So my question to that --  
 14 Q. Perhaps could I ask the question, rather than you?  
 15 A. Yes.  
 16 Q. What that shows, the comparison shows that the operating  
 17 profit -- do you see that in the middle by the first  
 18 punch? -- for the period year ended October 2010, your  
 19 operating profits were effectively half of the previous  
 20 year?  
 21 A. Yeah, and this is -- I remember this, because my  
 22 husband, we rang the accounts department three times.  
 23 This was -- we got ejected from the business on  
 24 7 March 2011, the year end accounts for 31 October 2010,  
 25 you can see that my -- the turnover is 842,000 versus

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1 last year's turnover of 823, yet the operating profit  
 2 was actually less.  
 3 Now, why -- you know, that, I couldn't understand,  
 4 because all the fixed overhead costs were actually the  
 5 same, and yet the administrative expenses -- look at  
 6 that, that's actually £50,000 more than 2009.  
 7 So John, my husband, requested by the accounts  
 8 an explanation of why £50,000 extra for administration  
 9 that year, and that was the -- we had already spent  
 10 50,000 on a refit. So they said it was nothing to do  
 11 with the refit; it was an extra spend of 50,000. And  
 12 three times John asked what that administration costs  
 13 were, and they didn't ever come back or explain to John  
 14 what was that about.  
 15 So Specsavers to us at that time, we felt that they  
 16 were retaining that extra 50,000. Why did they need an  
 17 extra 50,000 of administrative costs?  
 18 Q. The first point is that in fact a comparison of the  
 19 profit and loss figures, that in fact the company wasn't  
 20 performing as well financially during that period as it  
 21 had in the previous period.  
 22 A. That's totally incorrect, because I finished our refit  
 23 in December 2009. We had the shop refit, the extra  
 24 50,000, and January -- it finished 2010, it finished the  
 25 refit. That year was the busiest year. That was the

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1 year that we were busy, that John decided to take the  
 2 working lunch. That was the year that John was, like,  
 3 rushing to put all the petty cash expenses in one bunch  
 4 through the till. That was our busiest year, because  
 5 why would that year be less in -- well, you can see in  
 6 sales it was high, but why would that be less in  
 7 operating profit when I have had a shop refit? That was  
 8 a waste of time, then, to have a shop refit if it was  
 9 giving you less money on operating profit.  
 10 Q. You accept that the amounts available for distribution  
 11 were those shown in your accounts, including the monthly  
 12 management accounts; correct?  
 13 A. Yes, I said that, but nobody came back to my husband to  
 14 explain why Specsavers were having to have an extra  
 15 £50,000 on administrative costs. You know, no-one came  
 16 back to explain that. And we felt that they were  
 17 retaining the extra 50,000 knowing that we were going to  
 18 be ejected from the business, and we were. So it was  
 19 just the year before I got kicked out.  
 20 Q. So you are not suggesting in your witness statement, you  
 21 don't suggest in your witness statement that the  
 22 accounts were being doctored by Specsavers in order not  
 23 to allow you to take a distribution? That's not  
 24 an allegation you have made before. Is that one you are  
 25 making now?

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1 A. No, not at all. You have just told me that on my  
 2 paragraph 33, I felt that Specsavers were holding  
 3 profits of me and my husband, and I said yes, and you  
 4 said: why is that? And I said because this is one of  
 5 the examples.  
 6 Q. I don't think that is -- the point I'm making to you is  
 7 that the accounts showed that the reason why you weren't  
 8 getting distributions in perhaps the amounts you were  
 9 requesting was because the company wasn't making the  
 10 sufficient level of profits to justify them.  
 11 A. It was my busiest year, Mr Potts. And you can see that  
 12 by the sales turnover. All the rest of the overhead  
 13 costs are fixed. I should be -- you know, I should be  
 14 able to be obtaining that £50,000 more.  
 15 Q. Could I take you back to E2/385? This is a bottom line  
 16 report for the period March 2011. Do you see that?  
 17 Just by way of example.  
 18 A. Yes.  
 19 Q. If you turn to 387, that shows cash available for  
 20 distribution of £7,034. Do you see that? The second  
 21 holepunch.  
 22 A. Yes, I do.  
 23 Q. Do you still have E1 open?  
 24 A. Yes.  
 25 Q. Do you see item 65? Because you would have received

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1 these in April. The accounts are to March. You see  
 2 item 65 is a payment of 4,000?  
 3 A. So E1/65?  
 4 Q. E1, page 53, sorry. If you go down towards the bottom  
 5 of the page, item 65.  
 6 A. Yes.  
 7 Q. £4,000 dividend paid?  
 8 A. Item 55?  
 9 Q. 65, sorry. My fault.  
 10 A. Can you repeat the question again?  
 11 Q. Yes. You see a dividend of £4,000 --  
 12 A. Yes.  
 13 Q. -- which was paid?  
 14 A. Yes.  
 15 Q. The point I put to you is the reason why it was paid is  
 16 because it complied with the level available for  
 17 distribution as shown in the bottom line report;  
 18 correct?  
 19 A. Well, I ... (Pause)  
 20 Q. It shows 7,000. Do you accept that?  
 21 A. Cash available for distribution says 7,000, and I only  
 22 got the 4,000.  
 23 Q. Well, it's not suggested that you requested more than  
 24 that?  
 25 A. Well, you know, when you -- you know, I've just realised

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1 myself now, that looking at the accounts I just, for me,  
 2 you know. John -- well, all I can say is that how I saw  
 3 it, before I -- we got ejected from the business, I know  
 4 that I had to spend a shop refit of 50,000, and when we  
 5 did request, you know, money out of the business, I can  
 6 see all that year in 2009, 2010, insufficient cash,  
 7 insufficient cash, insufficient cash, you know, all the  
 8 months before it gets rejected. You are just picking  
 9 out the ones that I received. So --  
 10 Q. The point I'm putting to you is that there was a general  
 11 policy which you operated on for many years and were  
 12 well aware of, which was that the amount of profits that  
 13 you could receive was referable to the amount showed in  
 14 the bottom line reports, that's what happened?  
 15 A. Well, how I looked at it is that we put a request in by  
 16 the bottom line figure, and that, it says that's the  
 17 cash available distribution amount. But when we asked  
 18 for it, you didn't always get that full amount, and you  
 19 are going to say now that, well, that's because it was  
 20 not available. It says by the bottom line it was  
 21 available, and I know that the year of 2009 and 2010 we  
 22 didn't get the request that was asked for, there was  
 23 always the insufficient cash, like you say, on that list  
 24 there.  
 25 Q. Can I move on to what you call the Sunday trading plot?

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1 It's a heading in your witness statement at  
 2 paragraph 35.  
 3 MR JUSTICE HILDYARD: Mr Potts, if I understand the  
 4 semaphores correctly, I think I may be being asked for  
 5 a break.  
 6 Would that be a convenient moment, if we are moving  
 7 on to another topic?  
 8 MR POTTS: Yes.  
 9 MR JUSTICE HILDYARD: Just before half past, thank you.  
 10 (11.18 am)  
 11 (A short break)  
 12 (11.28 am)  
 13 MR POTTS: Mrs Parham, I was taking you to the heading "The  
 14 Sunday trading plot" at paragraph 35 of your statement.  
 15 A. Mr Potts, can I ask one thing?  
 16 Going back, on reflection, to this dividends  
 17 request, can I just say that the 4,000 that you  
 18 questioned me that I received the last two, I had left  
 19 the business on 7 March 2011. Those dates were after  
 20 I had left.  
 21 Q. Yes, but you did receive that dividend?  
 22 A. But I received them, and you can see why, because it's a  
 23 standing order set up. I didn't request them.  
 24 Suddenly -- because they forgot that I had left and  
 25 realised, because they took that off the value of my

1 shares when we had that correspondence. But you can see  
 2 all the requests before had been rejected right up to  
 3 2009, all the way through 2009, 2010, insufficient fund,  
 4 insufficient fund. Which goes back to my claim that  
 5 Specsavers were retaining my profits knowing that I was  
 6 going to be ejected out the business.  
 7 So the last two requests were not my requests. It's  
 8 a standing order they forgot to cancel when I'd left the  
 9 business.  
 10 Q. Okay. But it's your standing order? You accept it's  
 11 your request for a 4,000 dividend --  
 12 A. It's not my request. I had left the business. It was  
 13 a standing order, they forgot, they forgot to tell the  
 14 accounts department to cancel it. So it wasn't my  
 15 request in any way. It got taken off from the value of  
 16 the shares that Mel McAlindon had offered me anyway, so  
 17 it wasn't a request. I had left the business.  
 18 Q. Okay --  
 19 A. So that's why the whole of what I am stating in 33, that  
 20 Specsavers were retaining my profits, they were. If you  
 21 look all the way through 2009 to 2010, insufficient,  
 22 insufficient, insufficient funds, all the way through.  
 23 Q. Okay, let us move on to Sunday trading plot.  
 24 Paragraphs 35 to 37 you refer to an enabling  
 25 agreement. Do you remember, I discussed this with your

1 husband last week?  
 2 A. Yes.  
 3 Q. I can take you to it, but let's see if we can do it  
 4 briefly.  
 5 It was entered into by you for the store in  
 6 November 2003; do you remember that?  
 7 A. That's correct.  
 8 Q. It's a mechanism whereby an initiative can be introduced  
 9 in a region by a designated majority, 80 per cent; is  
 10 that right?  
 11 A. That's correct. My husband was saying it was the 80/20  
 12 vote, but similar to that --  
 13 Q. You say at paragraph 37 that for whatever reason  
 14 Specsavers was not able to use this agreement to impose  
 15 its wishes on Sunday trading?  
 16 A. That's right. But I was thinking about this. I was  
 17 thinking why wouldn't Specsavers use that if they are  
 18 saying they could have used that, and enforce that? But  
 19 the reason being is that if they openly, you know,  
 20 proposed that all the stores opened on Sunday, that  
 21 would show day-to-day management and it would be open on  
 22 black and white. So they couldn't do that, because if  
 23 they show they are getting involved with day-to-day  
 24 management, they have to pay the taxes in the UK.  
 25 So I feel, because I was thinking to myself, you

1 know, of course, if they had that, why didn't they just  
 2 use it openly? But they went the back-door route  
 3 because they know they couldn't.  
 4 Q. It wouldn't be Specsavers who passed that resolution, it  
 5 would be the various stores, wouldn't it?  
 6 A. On this vote, but Specsavers could not -- you know, you  
 7 are saying "the stores". No stores wanted to open.  
 8 Well, I did not want to open Sunday, but you are  
 9 saying -- I am an individual company, supposed to be,  
 10 and something that a Sunday trading on a -- affects  
 11 day-to-day management could not be imposed on the  
 12 enabling agreement, because it's got to be, you know,  
 13 all the stores. It's an individual thing.  
 14 Q. It's not all the stores; it's 80 per cent of the stores,  
 15 isn't it?  
 16 A. Well, I remember my husband saying it could be the  
 17 80/20, it could be -- we didn't -- the enabling  
 18 agreement, wasn't sure whether it was definitely 80/20  
 19 or it had to be 100 per cent. No-one quite understood.  
 20 Q. Your husband referred to it as a 80/20 and, indeed,  
 21 that's what the agreement says. I mean, I can show you  
 22 but --  
 23 A. Can you show me?  
 24 Q. Yes. E1.  
 25 A. Yes, what page?



1 Q. It's page 11. Not 011, but 11. Sorry, it's the other  
 2 11. If you look at clause 2.1. (Pause)  
 3 The approval is 80 per cent of the regional  
 4 practices. That's the stores.  
 5 A. Well, my logic would say that if they could have used  
 6 it, and I had to -- was forced to basically open  
 7 Sundays, because I definitely did not want to open  
 8 Sundays, then I would show that that is getting involved  
 9 in day-to-day management in my shareholders' agreement,  
 10 and therefore I would protest, I'll be in litigation  
 11 showing that they openly enforced the Sunday trading  
 12 dates and that was breaching my shareholders' agreement,  
 13 because that's what I would have done.  
 14 Q. Firstly, more than 80 per cent of the Specsavers stores  
 15 did open, didn't they?  
 16 A. Yes.  
 17 Q. And you had agreed by contract to abide by this enabling  
 18 agreement; correct?  
 19 A. Yes.  
 20 Q. You signed up to it?  
 21 A. I signed up to it, yes.  
 22 Q. Isn't the more likely explanation than the one you are  
 23 giving, that Specsavers didn't wish to impose its views  
 24 on Sunday trading by getting any sort of resolution  
 25 passed, but it was seeking to encourage store companies

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1 to implement initiatives?  
 2 A. Can you repeat the question again, sorry?  
 3 Q. Isn't it a more likely explanation that Specsavers  
 4 didn't want to impose its wishes in relation to Sunday  
 5 trading by proposing and getting this resolution passed,  
 6 but rather they wanted to encourage store companies to  
 7 implement the initiative of their own will?  
 8 A. Well, they had to do it that way. It was always, as far  
 9 as I understood it, it was always a voluntary, it wasn't  
 10 compulsory. If I had in my shareholders' agreement that  
 11 you had to open Sundays, I would have not bought into  
 12 Specsavers. I definitely did not want to do Sundays.  
 13 It wasn't up -- for religious reasons, it was not up for  
 14 Sunday trading. So --  
 15 Q. But you accept there was no resolution passed by  
 16 an enabling agreement; correct?  
 17 A. That's correct.  
 18 Q. There was no board resolution of the company passed,  
 19 requiring --  
 20 A. Because that's imposing on my day-to-day management. As  
 21 far as I was concerned, A shareholders are strictly the  
 22 ones who control the day-to-day management. Sunday  
 23 opening infringes on that.  
 24 Q. You didn't even in fact have a meeting with Mr Clark to  
 25 persuade you to open on Sunday, did you?

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1 A. Never. Well --  
 2 Q. In fact, you did agree to give Sunday trading a trial  
 3 back in 2008 when it was linked to a charitable cause,  
 4 didn't you?  
 5 A. Yeah, a charitable cause, definitely, because that's --  
 6 it was, you know, disguised, a smokescreen, the  
 7 charity -- if it was for charity, we tried it. Like my  
 8 husband said, we tried it, advertised a month before.  
 9 We didn't even get a single sight test. Like John  
 10 explained, Uckfield is a very religious town, it's got  
 11 eight churches. Me, being a Christian and going to  
 12 church, definitely Sundays where Uckfield is, it's  
 13 a family based area for churches.  
 14 We tried it for the charity cause only, a one-off.  
 15 In fact, because we didn't open that Sunday, we agreed  
 16 to still give money to that charity cause.  
 17 Q. So you say disguised, a smokescreen? What do you mean  
 18 by that?  
 19 A. Yes, because there is a disclosure showing that there  
 20 was an email, Tim Smart, going out saying that  
 21 Derek Dyson is going to put out, write a letter saying  
 22 that all the people that open Vision Aid Overseas on  
 23 a Sunday, well done, congratulations, but the ones that  
 24 didn't, they are the spawn of the devil.  
 25 Q. Did you get such a letter?

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1 A. I got a letter not saying spawn of the devil. I got  
 2 a letter, yes, because we didn't open that Sunday. But  
 3 we still gave money to the charity. It was a pound for  
 4 every sight test, and because we didn't open I remember  
 5 John saying, "Should we give money towards it anyway,  
 6 because it's for Vision Aid Overseas?" And we £50, so  
 7 because it was a charitable cause, but that was the only  
 8 reason.  
 9 Q. Okay.  
 10 A. I would have never -- well, that's why I am here now.  
 11 I was never going to open Sundays.  
 12 Q. At paragraph 45, you refer to an email from David Clark  
 13 on 6 May. Could I take you to E1/102? It starts  
 14 actually at page 100. This isn't a document you saw at  
 15 the time, is it?  
 16 A. Can you bear with me?  
 17 Q. Sorry, yes. (Pause)  
 18 100 is just the context. You didn't see it at the  
 19 time. This was an internal document. Correct?  
 20 A. That's correct.  
 21 Q. Okay. Page 102 is the relevant page for Uckfield.  
 22 A. Yes.  
 23 Q. Now, you say that this is about looking for errors to  
 24 break your resistance on Sunday trading; correct?  
 25 A. Yes.

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1 Q. This isn't a report just about Sunday trading, is it,  
 2 it's about compliance and other issues as well?  
 3 A. Yeah, but the main thing here is that it says:  
 4 "General blockage, no paper trail, husband and wife  
 5 team, but come across very disengaged with the new  
 6 initiatives", which was the Sunday opening.  
 7 As I said to you, Mr Potts, me and my husband joined  
 8 up all the initiatives. The only one we didn't was the  
 9 Sunday.  
 10 "Do you think it will not work for them in a small  
 11 store? Very anti-Sundays."  
 12 All that is absolutely true.  
 13 Q. Then it also says:  
 14 "Health and safety issues re asbestos. RST to  
 15 provide evidence of any non-compliance issues, otherwise  
 16 we will move to watch stores."  
 17 You see that?  
 18 A. Yeah. So, you know, look at compliance issues, you  
 19 know, this is 2008, so I was already on the watch for  
 20 any issues regarding compliances, which is exactly why  
 21 we are here today.  
 22 Specsavers were arranging to look into any failings,  
 23 like this tax issue. They would have known everything  
 24 that was going on. No one's told them to look into my  
 25 store, any problems, so why was I on a watch by

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1 Specsavers? Because I wasn't complying to the Sunday  
 2 opening.  
 3 Q. You can see there is a reference to health and safety  
 4 issues on asbestos there?  
 5 A. It's got no relevance to --  
 6 Q. It's got no relevance to Sunday trading?  
 7 A. No.  
 8 Q. No. Isn't a more reasonable reading of this document,  
 9 it's a comment that the retail support team need to  
 10 provide evidence of any compliance issues, otherwise he  
 11 is going to move the store off the top 20 list to a  
 12 separate list, a watching list?  
 13 A. No, not at all.  
 14 Q. Do you see at page 112, there is a reference to two  
 15 lists, either the top 20 or watching lists, in the final  
 16 line of 112?  
 17 A. Page 112?  
 18 Q. Yes. (Pause)  
 19 A. And your question was?  
 20 Q. Do you see there are two separate lists, top 20, and he  
 21 is talking about moving it off this list to a watching  
 22 list? Do you see that?  
 23 A. No.  
 24 Q. To watch stores.  
 25 A. Are you talking about page 112?

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1 Q. Yes. What he is saying is they either need to provide  
 2 evidence of compliance issues, otherwise we will move to  
 3 watch stores. He is talking about moving it off this  
 4 list on to something else?  
 5 A. Yeah, it says escalate to either the top 20 on the  
 6 watched stores. Why am I on a list about Sunday  
 7 trading?  
 8 Q. Then separately, there is a reference about no evidence  
 9 on compliance issues by the RST. Isn't that consistent  
 10 with the reference to no paper trail? What he is saying  
 11 is if they have not got evidence to support these  
 12 issues, he will move it off to another list. Do you see  
 13 that? It's not suggesting that they shouldn't create  
 14 a -- that there must be no paper trail. He is saying if  
 15 there isn't anything justifying a compliance issue, he  
 16 is going to move it off this list. It's as simple as  
 17 that?  
 18 A. No, it's not. Why are they even talking about no paper  
 19 trail? You know, for me, David Clark's escalation list  
 20 was for all those stores that weren't complying --  
 21 weren't opening on Sundays. So they are looking, as far  
 22 as I can see, at any compliance issue, any problems, any  
 23 areas that they can use as a tool to kick out directors  
 24 who don't comply to the Sunday openings. And no paper  
 25 trail, like we have seen through the disclosures, you

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1 know ... the main agenda.  
 2 Q. In fact, in terms of escalation, in terms of a BRM, you  
 3 didn't have a BRM until a year later after this; is that  
 4 right? 23 November.  
 5 A. What year?  
 6 Q. 2009. This is 2008. This is May 2008.  
 7 A. What page are you on, Mr Potts?  
 8 Q. I am not. You had a BRM, didn't you?  
 9 A. A business review meeting.  
 10 Q. A business review meeting.  
 11 A. John went to most -- every time Mr Rajan or Mike Rowe  
 12 came to the store, John dealt with it. I was testing  
 13 all the time --  
 14 Q. Okay. But you accept it was on 23 November 2009, the  
 15 BRM? Would you take that from me?  
 16 A. Yes, correct.  
 17 Q. So this is well over a year later, in fact 15 months  
 18 later, more. It's hardly a rush to push you into Sunday  
 19 trading, is it?  
 20 A. Well, like I said, that we were -- we always -- it was,  
 21 you know, from 2008 it got just, you know, always  
 22 talking about Sunday, let's open Sunday, let's open  
 23 Sunday, for Specsavers' agenda, which is to increase the  
 24 turnover. Okay? And slowly from 2009 to 2010, you can  
 25 see the pressure getting more and more up.

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1 So they were fulfilling their 500 stores that they  
 2 wanted to get slowly opened up, and we were the last few  
 3 that was left that didn't open. And as far as I can  
 4 see, it was a gradual process, because we got 700  
 5 stores, because you managed to get the majority of the  
 6 stores, Specsavers, all open.  
 7 Q. You didn't receive a visit from Mr Clark at that time,  
 8 did you?  
 9 A. I've never got a visit from David Clark the whole time,  
 10 throughout. The only time I got the meeting with  
 11 David Clark was when we were ejected out the business.  
 12 Q. At paragraph 52 you say that the tone became more  
 13 aggressive in 2009, and you refer to a newsletter in  
 14 support of that?  
 15 A. Paragraph ...?  
 16 Q. Paragraph 52 of your statement; correct?  
 17 A. Can you slow down, sorry? (Pause)  
 18 Q. You don't need to turn the pages of your witness  
 19 statement. I am just saying that that's what you say in  
 20 paragraph 52.  
 21 A. Yeah, but I am just reading the whole thing, if you  
 22 don't mind.  
 23 Q. The whole thing what?  
 24 A. Beforehand. Yeah, because the reason why it gets more  
 25 aggressive is because in 2008 you have an email by

1 Tim Smart saying, "If you can't come up through the --  
 2 because we can't go through the JVP open route, which is  
 3 obviously to do with my shareholders' agreement and  
 4 day-to-day management on Sundays, come up with a more  
 5 creative route to get them to open the Sundays."  
 6 Then it slowly progresses to the approach of, you  
 7 know, all the time we come across very disengaged with  
 8 the Sunday initiative because, as a small store. So it  
 9 keeps going on. So the pressure is building up and  
 10 building up. Come with a more firmer approach, don't  
 11 just approach them about optimum cover, et cetera.  
 12 Q. Mrs Parham, sorry, I am not interrupting you, but if you  
 13 could perhaps listen to my question. I am saying, at  
 14 paragraph 52 you refer to a newsletter issued in  
 15 February 2009 as evidence of the tone and strategy  
 16 becoming more aggressive; do you agree with that?  
 17 A. Yeah, because Specsavers always go -- sent out a letter  
 18 to all partners saying, doom and gloom. Because they  
 19 are only talking about Tesco. They were more upset --  
 20 their motive, SOG's motive all the time was about the  
 21 turnover, because they a percentage, 6.5 per cent, from  
 22 the turnover.  
 23 All they were concerned about is that Tesco and Asda  
 24 were sight testing on the Sunday and they wanted all  
 25 their stores to open. So that was why the push all the

1 time for us --  
 2 Q. Could I ask just the question again, and perhaps you can  
 3 have another go at answering my question, which is not  
 4 a difficult question.  
 5 I am saying, in paragraph 52, in support of your  
 6 allegation that the tone became more aggressive in 2009,  
 7 you refer to a newsletter dated 11 February 2009; is  
 8 that correct?  
 9 A. Yeah, because it was saying "We are going to face  
 10 financial doom, the stores". I wasn't facing financial  
 11 doom, I was actually increasing sales turnover. I was  
 12 actually increasing operating profit. That was their  
 13 way of trying to say to all the stores, "Come on, guys,  
 14 you know, you are going to do really badly at the store.  
 15 You have to open Sundays. Sundays is the way you will  
 16 get more money."  
 17 That wasn't the case. Uckfield was doing very well,  
 18 very successful. We weren't losing any increase in  
 19 sales and we weren't decreasing our operating profits.  
 20 We were doing very happily.  
 21 Q. So the answer to my question is: yes, you do rely upon  
 22 the newsletter in support of that point; is that right?  
 23 A. No, I don't. That was not true. That is John Perkins  
 24 giving out a letter, getting everyone to open up because  
 25 it's doom and gloom. They made that up. You know, my

1 Uckfield store was doing very, very well.  
 2 Q. Mrs Parham, I didn't ask you about doom and gloom. It's  
 3 not a trick question. I am just trying to establish  
 4 that in support of your contention that the tone and  
 5 strategy became more aggressive, you are relying on the  
 6 newsletter issued on 11 February 2009? That's what  
 7 you're doing in paragraph 52?  
 8 A. Behind the scenes, it is all the pressure they are  
 9 getting people like --  
 10 Q. Can I just deal with the newsletter first? Do you  
 11 accept that that's what you are saying in paragraph 52,  
 12 that in support of the point about the tone and strategy  
 13 becoming aggressive --  
 14 A. Yes. No.  
 15 Q. -- you are referring to the newsletter; correct?  
 16 A. No.  
 17 Q. No? So you don't say that the sending of this  
 18 newsletter was part of --  
 19 A. Oh, sorry, sorry, yes.  
 20 Q. -- a tone, an aggressive strategy?  
 21 A. Yes, absolutely. The pressure was, you know, more for  
 22 Specsavers because Tesco and Asda were open on the  
 23 Sundays, testing eyes on the Sunday. They just wanted  
 24 to beat Specsavers. They just wanted to do the same.  
 25 They just wanted to open the Sundays to their benefit,

1 not my benefit.  
 2 Q. Now, this is a newsletter which was sent out to all the  
 3 stores, wasn't it, it was not sent just to you?  
 4 A. Yes, that's right. It was sent to all stores to make  
 5 all the store partners feel, oh, doom and gloom, you  
 6 know, financial worry.  
 7 Q. Putting forward the arguments of the benefits of Sunday  
 8 opening in a newsletter is hardly aggressive, is it,  
 9 Mrs Parham?  
 10 A. Well, it's a bit depressing.  
 11 Q. It may be depressing, but it's not oppressive?  
 12 A. Well it's doom and gloom.  
 13 Q. Maybe Specsavers considered that there was a real issue  
 14 about the long-term survival and success of the brand  
 15 and the stores based on the supermarkets?  
 16 A. Not at all. Not Uckfield. Uckfield, like my husband  
 17 said, is a small town, you know. We probably didn't fit  
 18 with the others, but it was a small town. It didn't  
 19 need to open Sundays, and I felt that this didn't affect  
 20 me at all, you know, financial -- there was no financial  
 21 doom and gloom in my store.  
 22 Q. If we can move on, at paragraph 68 you refer to a number  
 23 of capital expenditure costs, fit-out costs and so on at  
 24 66 to 68 of 39,000 between November 2009 and  
 25 February 2010?

1 A. That was my shop refit.  
 2 Q. Yes, and you say that this was done in what Specsavers  
 3 had already planned to be your final year of the  
 4 business. That's paragraph 68.  
 5 A. Yes.  
 6 Q. You also say at the bottom of that paragraph:  
 7 "This was done even as they were plotting to throw  
 8 us out of the business."  
 9 A. Yeah, absolutely, because --  
 10 Q. This is the same plot that you said had been in fact in  
 11 place since 2008, isn't it?  
 12 A. Yeah, the Sunday trading plot. That's the only  
 13 initiative that I didn't sign up with, and as I said,  
 14 knowing what was going on behind the scenes about, you  
 15 know, all these emails going through, "Come on, guys,  
 16 push them up, get them opening up, trading on the  
 17 Sunday, if not, put them on" -- we were on a top 20  
 18 target list anyway, so they were pushing that agenda  
 19 forward and I know Uckfield was on that list.  
 20 So they had already got the plot behind coming up  
 21 with the rebate cheque. That happened on 18 May 2009.  
 22 They are already looking into compliance issues. Why  
 23 were they looking into compliance issues? I had been  
 24 open since 2003, and all the way through we never had  
 25 accounts ringing me to say there was a problem with any

1 of the invoices or expenses. They never rung us about  
 2 any problems. Why were they looking into my compliance  
 3 issue? Because they were looking for something to use  
 4 as a tool to kick me out.  
 5 Q. Okay. You refer to "they" a number of times there. You  
 6 are saying the decision had been made by 2008 to get rid  
 7 of you and to find a way of doing that; correct? That's  
 8 your case. Who are the "they"? Who are the people?  
 9 Who are the "they"?  
 10 A. Well, the "they" is Specsavers, the people that are  
 11 behind the agenda for the Sunday trading plot. So it  
 12 could be Derek Dyson, in this case, Mark Raines and  
 13 Mel McAlindon, David Clark. Those are the four.  
 14 Q. So all of those people are determined in 2008 that they  
 15 were going to get rid of you because you were not  
 16 opening on a Sunday?  
 17 A. The start of the trading agenda was 2008. It gets  
 18 progressively more and more, 2009, 2010, to the point of  
 19 11 that I had been taken out. They are pushing their  
 20 Sunday agenda forward. I am resisting. I am still on  
 21 the list. In fact, we -- me, Bognor and another store,  
 22 we were the last three on that list that had the  
 23 potential to open. I know that in the RCM meetings that  
 24 me and John attended to, we were named and shamed. In  
 25 fact, by the time in -- it was February, January 2011,

1 we went to the RCM, we were the only store left on  
 2 the -- in the region that hadn't opened the Sunday. We  
 3 were the only store in the region that hadn't opened  
 4 Sunday.  
 5 Q. Your allegation I think now is you have mentioned four  
 6 people that you say were all part of a plot to get rid  
 7 of you from Specsavers; is that right?  
 8 A. No, only because I've seen the disclosures. They are  
 9 the four names that come up.  
 10 Q. I am just trying to understand your case. Is that what  
 11 you say: those four people formed a dishonest  
 12 determination to get rid of you from Specsavers because  
 13 you wouldn't open on Sundays?  
 14 A. Absolutely, because I am not dishonest and my husband is  
 15 not dishonest, and --  
 16 Q. No, I am saying that they were in determining to get rid  
 17 of you.  
 18 A. Well, they were part of the email trails that were going  
 19 through, so they are the people that were -- their  
 20 motive was for us to open the Sunday agenda. So that is  
 21 all I can --  
 22 Q. Which is it? Is it an agenda to get you to open on  
 23 a Sunday, or is it an agenda, as you allege here, to get  
 24 rid of you?  
 25 A. Well, it came to that, that was their last resort,

1 because you know, their aim was for me to open Sunday, I  
 2 wasn't opening Sunday. Like my husband said, he was  
 3 fobbing them off, fobbing them off, because I was  
 4 never -- I never signed up to opening Sundays, not in my  
 5 shareholders' agreement, it's involvement in day-to-day  
 6 management. And I resisted, I resisted, I resisted, to  
 7 the point that they got fed up, basically, and thought:  
 8 right, let's just get a way of getting her out.  
 9 Q. That's not what you say in your witness statement, and  
 10 we went through that earlier this morning.  
 11 You say that by 2008 they had already determined to  
 12 get rid of you from the store, from the business?  
 13 A. Well, as I said, Mr Potts, that was the end product,  
 14 because I am here now. But I was -- 2008 was the start  
 15 of the trading plot. You can look at it that, you know,  
 16 my opinion was the case -- because I was never going to  
 17 open Sundays. I've always said it to my staff, I've  
 18 always said it to John, I was never going to open.  
 19 So you can say to me that I've said 2008. It would  
 20 have been, because I was never going to open anyway. So  
 21 as far as, in my eyes it was a case of an exit plan at  
 22 the end.  
 23 Q. Mrs Parham, these are serious points. You accept that  
 24 these are serious allegations that you are making? Do  
 25 you accept that?

1 A. Yes.  
 2 Q. We went through this morning. You said that the issue  
 3 from Mr Dyson in relation to your salary increase in  
 4 April 2008 was that in fact at that time he had  
 5 determined that he was going to get rid of you from the  
 6 business. That was your evidence to his Lordship this  
 7 morning?  
 8 A. Well, it just didn't make sense why he would not let me  
 9 have that increase. So I just feel that, in my opinion,  
 10 in my belief, that because -- you know, Derek Dyson, at  
 11 the end of the day, if he really wanted me, that he had  
 12 no intentions of kicking me out, then why did I never  
 13 see him throughout this whole process? Why do I never  
 14 get a chance -- if he really cared about me or my  
 15 husband and the business, I feel that he would have  
 16 approached me and said, "No, we don't want you to leave,  
 17 you know, we want you to stay". He never even -- we  
 18 never had a meeting.  
 19 Q. Do you accept, Mrs Parham, that there is a distinction  
 20 between Specsavers having a wish to encourage you or,  
 21 indeed, a wish to persuade you to open on a Sunday and  
 22 plot back in 2008 to throw you out of the business? Do  
 23 you accept that there is a distinction there?  
 24 A. They always, how I saw it was Sunday was what they  
 25 wanted, what was -- that was their motive, for all

1 stores to open Sunday. And the stores that resisted,  
 2 you know, had left the business.  
 3 Well, I've left the business, because that was the  
 4 only thing I resisted. So --  
 5 Q. So you say that Mr Dyson determined by April 2008 to  
 6 throw you out of the business. That was your evidence  
 7 to his Lordship this morning; correct?  
 8 A. My Lord, really, to be honest with you, I see it as  
 9 though me and my husband signed up to everything with  
 10 Specsavers, I was Specsavers through and through. 2008,  
 11 2009, 2010, that was their agenda for me to get out,  
 12 well, me to, you know, enforce this Sunday trading  
 13 opening. And I just feel that I didn't do it, didn't  
 14 want to do the Sunday trading agenda, and I am out now.  
 15 So ...  
 16 Q. That is not an answer to my question, Mrs Parham.  
 17 A. Well, that was -- Derek Dyson early 2008 rejected my  
 18 salary. I feel that, you know, that was the start of  
 19 the whole thing. And I say to your Lordship that yes,  
 20 I do feel that, you know, that was the only thing that  
 21 I hadn't done, complied to. That was the only  
 22 compliance that me and my husband didn't sign up, you  
 23 know, do. So yes, I do stick by it, what I said.  
 24 Q. Okay. April 2008, Mr Dyson had determined to get rid of  
 25 you from the business. When do you say that Mr Raines

1 determined to improperly throw you out of the business?  
 2 Same time?  
 3 A. No. You know, Derek Dyson, Mark Raines, if they really  
 4 wanted me to stay in the business, they really wanted me  
 5 to stay in the business, I just feel that me and my  
 6 husband, they could -- throughout the whole process, we  
 7 would have been able to see them.  
 8 There was a conspiracy going on behind the scenes,  
 9 and we didn't follow that agenda for the Sunday trading  
 10 plot, and this is where we are now. I am not in the  
 11 business, me and my husband are both not in the  
 12 business. So --  
 13 Q. Can I ask my question again? It's not a question about  
 14 wanting you in the business. You are alleging that they  
 15 formed a dishonest plot to throw you out of the  
 16 business, and you have said that Mr Dyson held that view  
 17 by April 2008. I am asking you when you say Mr Raines  
 18 determined the same thing?  
 19 A. All of them are together, wanting this agenda open.  
 20 I was not going to open. I know that that was the  
 21 start, or the beginning, it doesn't matter, the end  
 22 product has come the same. I've left the business, they  
 23 had no interest in me as an individual, the interest was  
 24 the Sunday trading plot.  
 25 Q. Isn't the position, Mrs Parham --

1 A. So no.  
 2 Q. -- that you are just unwilling or unable to tell me  
 3 when you say Mr Raines determined, improperly, to get  
 4 you thrown out of the business. Is that right?  
 5 A. No.  
 6 Q. So when do you say that he determined improperly as part  
 7 of this plot to throw you out of the business and  
 8 acquire your shares? When do you say that he formed  
 9 that intention?  
 10 A. Well, for ... (Pause) Well, as -- I -- you know, 2008  
 11 was the start of the whole Sunday trading agenda --  
 12 Q. What do you mean by the Sunday trading agenda, sorry?  
 13 You are saying the agenda is to get rid of you from the  
 14 store, isn't it? That's your allegation against  
 15 Mr Dyson?  
 16 A. Well, it's going to be, because I was never going to  
 17 open on a Sunday. So --  
 18 Q. So you are saying the agenda is not to get you to open  
 19 on Sunday, but it is to eject you from the business and  
 20 take your shares? Which is it?  
 21 A. Both.  
 22 Q. Well, they are inconsistent, aren't they? One is to  
 23 persuade you to open on Sundays, and the other is to  
 24 throw you out of the business and take your shares.  
 25 Which is it?

1 A. I stick by that taking my shares, which they did anyway,  
 2 so I stick by my original --  
 3 Q. So the agenda is taking your shares; correct?  
 4 A. They achieved it. They took my shares.  
 5 Q. Fine. So you say Mr Dyson had that agenda by  
 6 April 2008; correct?  
 7 A. Correct.  
 8 Q. You say Mr Raines had that agenda by 2008?  
 9 A. Correct, because they achieved it.  
 10 Q. Are you saying Mr Clark had that agenda, that intention,  
 11 that desire?  
 12 A. I don't know David Clark personally, but I attended  
 13 a meeting with my husband and David Clark after we had  
 14 been ejected from the business, for reinstatement. We  
 15 have done nothing wrong. And they're not interested.  
 16 They're not interest at all.  
 17 It was not a case -- yeah, what they said was, "You  
 18 either take this value", their value, 315,000, "or we'll  
 19 do the par, 19.6 clause on you, and we will take it for  
 20 nothing".  
 21 Q. You are saying he had that agenda, desire, to take your  
 22 shares off you by April 2008?  
 23 A. Well, in my opinion, yes, because I was never going to  
 24 open. Like I said before, I was never going to open, so  
 25 it doesn't matter what year. I was never going to open.

1 So all the stores that weren't -- well, for me there was  
 2 only three stores left -- Bognor, Uckfield, and another  
 3 store -- and me and Bognor are here now, because you  
 4 seized our shares.  
 5 Q. Are you saying Mr Clark had that agenda by April 2008  
 6 and when he wrote that document in August 2008, which we  
 7 looked at? The agenda was to reject you from the  
 8 company?  
 9 A. Well, I'm escalated on a David Clark list, so what  
 10 I look at it as, you know, a list escalation, you know,  
 11 what does escalation mean? Going up? Why am I going up  
 12 on a list? There is that conspiracy, you know, behind  
 13 the scenes of gain traction, very disengaged, don't  
 14 think it's going to work on a Sunday, you know, no paper  
 15 trail. For me, it's quite obvious: it was all about  
 16 Sunday.  
 17 Q. So the "no paper trail" is because he's part of the plot  
 18 to throw you out of the business and acquire your shares  
 19 by that point; is that right?  
 20 A. Were they part of all the email -- they're all --  
 21 Q. Could you just answer my question, Mrs Parham? It's  
 22 a yes or no. If you want to comment afterwards, that's  
 23 fine. But I'm asking you to clarify, are you saying  
 24 that when he wrote that email in August 2008, he had  
 25 a dishonest --

1 A. Can you show me that email?  
 2 Q. -- which we looked at, the "no paper trail" which you  
 3 refer to --  
 4 A. Yeah.  
 5 Q. -- that he had the agenda, the plot that he was a part  
 6 of was to throw you out of the business and to acquire  
 7 your shares?  
 8 A. Yes.  
 9 Q. Yes. What about Mr McAlindon? Are you saying that he  
 10 had that agenda in April 2008, August 2008?  
 11 A. No, he only gets involved later.  
 12 Q. So when did he gain that agenda to get rid of you and to  
 13 acquire your shares?  
 14 A. He gets into the agenda about 2010, when Mike Rowe  
 15 contacts him regarding the Trish Lofting allegation that  
 16 an ex-employee of mine that worked at hers saw  
 17 John Parham do that rebate cheque. So then Mike Rowe  
 18 contacts Mel McAlindon, "Please can you look into that".  
 19 Q. Obviously I put it to you that there was no such plot by  
 20 Specsavers to throw you out of the business, in 2008 or  
 21 at any other time.  
 22 A. That's incorrect.  
 23 Q. Let's move on to paragraph 69. You say that on  
 24 22 February you had a visit from Mr Rajan; yes? You say  
 25 "supposedly to help us draw up a business plan".

1 A. Yes.  
 2 Q. Are you saying he wasn't seeking to help you to draw up  
 3 a business plan at all?  
 4 A. Well, that day I was actually testing and I was in and  
 5 out in the room, in the office. John, my husband, was  
 6 with Mr Rajan, and the aim -- well, he came in the guise  
 7 of opening up a business plan going forward, which he  
 8 does. He sits down and goes through that plan.  
 9 Q. "Guise" means pretence, Mrs Parham.  
 10 A. Yes, because all he talked about --  
 11 Q. So could you just answer my question? If you want to  
 12 comment on it afterwards, that's fine, but it would be  
 13 helpful if you could answer my question.  
 14 Are you saying that this was a pretence and he  
 15 didn't have that intention to help you with the business  
 16 plan?  
 17 A. Correct.  
 18 Q. Are you saying that he was also a part of this dishonest  
 19 agenda by this point to have you thrown out of the  
 20 business?  
 21 A. Well yeah, because Mr Rajan is the one that says about  
 22 the Trish Lofting allegation, and she is a witness here  
 23 saying she -- definitely says that she never spoke to  
 24 Mr Rajan about an ex-employee of mine that worked at  
 25 hers that said that John had done a dodgy rebate cheque.

1 Q. So you are saying by February 2010 he was acting  
 2 dishonestly and in fact did not have an intention to  
 3 help you draw up a business plan, but was in fact a part  
 4 of a plot to throw you out of the business and acquire  
 5 your shares; is that right?  
 6 A. Well, Mr Rajan was, when he came his main objective all  
 7 the time was about the Sunday trading opening, and that  
 8 was his main objective: to get us open, get us open.  
 9 Because every time I was testing and went to see John in  
 10 the office, John would say to me, "Oh, it's always about  
 11 the Sunday", because the business plan, everything else,  
 12 we ticked all the boxes, we were doing everything fine.  
 13 There was no issues, issues about the shop, the  
 14 day-to-day running of the store, everything we ticked.  
 15 The only issue that Mr Rajan had was Sunday trading.  
 16 That was the only thing that was a problem.  
 17 Q. So are you saying the issue he had with Sunday trading  
 18 was because he was keen to encourage you to open on  
 19 a Sunday, or because he was part of a conspiracy to  
 20 throw you out of the store -- he was, again, part of  
 21 that conspiracy to throw you out of the store and  
 22 acquire your shares?  
 23 A. He knew that would have been the end product if I didn't  
 24 open on Sunday. So he probably had good intentions at  
 25 the beginning to encourage us to keep -- you know, try

1 and open Sundays, because every time he comes in that is  
 2 the issue. And we do fob him off every single time, you  
 3 know, we will do a trial run, we will do a trial run,  
 4 just to fob him off, because I know definitely that  
 5 I was never going to open Sundays full stop. So --  
 6 Q. So you are not saying he is part of the dishonest  
 7 conspiracy, it's just that he was trying to encourage  
 8 you to open on a Sunday?  
 9 A. In the beginning, but he is part of the conspiracy at  
 10 the end because he's the one that gives that false  
 11 allegation, the Trish Lofting allegation. Because it  
 12 comes up later on in the -- about 15, 17 September 2010,  
 13 that he's the one who reports that to Mike Rowe and then  
 14 that Mike Rowe reports it to Mel McAlindon.  
 15 Q. So it's at some point --  
 16 A. Because he has been given that job, to push the Sunday  
 17 trading forward, and if he doesn't gain traction, or  
 18 Mark Raines sends an email something like "If you can't  
 19 gain traction, escalate to the David Clark list". So he  
 20 knows that he's got his job to do behind the scenes,  
 21 that's his agenda. And if he can't achieve that agenda  
 22 I go on the escalation to David Clark.  
 23 Q. So are you saying that at some point between  
 24 February 2010 and September 2010 his motivation changed  
 25 from encouraging you to open on Sundays to being a part

1 of the dishonest plot to throw you out and acquire your  
 2 shares?  
 3 A. Yeah, well, that's what that escalation to David Clark  
 4 list is all about.  
 5 Q. So you are saying yes; is that right?  
 6 A. Yes.  
 7 Q. When do you say that his motivation changed between  
 8 February and September?  
 9 A. Like I said --  
 10 Q. Sorry. I was going to say, when do you say the  
 11 motivation changed between February and September, and  
 12 he also had the intention of assisting in a dishonest  
 13 plot to acquire your shares?  
 14 A. Well, there is a deadline on the Sunday, 26 September.  
 15 The dates where he reports to Mike Rowe about the  
 16 Trish Lofting allegation is 17 September. So it's quite  
 17 neatly fitting in. He knows that he is gaining no  
 18 traction, he knows we are not going to open Sundays, he  
 19 knows that if he doesn't achieve it, it goes to the  
 20 escalation of David Clark.  
 21 As far as I see it, outside that David Clark list,  
 22 why are we on a list? You know, this Sunday agenda is  
 23 optional, it's voluntary, it's not compulsory. So why  
 24 am I on a list? So I see it that, yes, he is part of  
 25 that conspiracy, because he knows if he can't achieve it

1 we go on a list and that list, I am out, because I --  
 2 Q. The list wasn't later. The list we had looked at was  
 3 back in 2008, wasn't it?  
 4 A. There was always a list, but I am sure that list, they  
 5 achieved -- they were achieving their agenda,  
 6 Specsavers. They were achieving it. But the ones that  
 7 were left that were on the list, I can't speak for the  
 8 others, but I know that we were only three left and me  
 9 and Bognor are both here now. We didn't open on  
 10 Sundays.  
 11 Q. Going back to the February 2010 visit from Mr Rajan, you  
 12 discussed a number of issues during the visit, didn't  
 13 you, including customer feedback measures?  
 14 A. You have to speak to John about that, because he's the  
 15 one who had the meeting with him.  
 16 Q. I see, you didn't have any discussion with him at all?  
 17 A. The only time I came in and out of the sight test, and  
 18 the discussion I had with -- he was talking to me about  
 19 the Sunday opening because the only relevance for me was  
 20 being the ophthalmic cover.  
 21 Q. So he mentioned the Sunday trading to you at the time,  
 22 but you would have discussed the meeting with your  
 23 husband afterwards, wouldn't you?  
 24 A. Not really, no, because I was very disengaged. I was  
 25 the one that was more disengaged, because Sunday trading

1 was not on my thoughts at all for the business.  
 2 Q. Sorry, I'm not talking about Sunday trading. I'm just  
 3 talking about the visit generally.  
 4 A. Yeah, because we ticked all the boxes. We had no  
 5 problem. So most of the time John had -- there was  
 6 nothing to discuss, because everything that he dealt  
 7 with on the retail side of the shop floor, John was  
 8 ticking all the boxes, and everything I did on the  
 9 clinical side, that was absolutely fine.  
 10 Q. So there was no discussion with your husband afterwards  
 11 about the other matters that had been discussed during  
 12 the meeting such as staff meetings, a lab quality  
 13 matrix, some of those things?  
 14 A. No, it was always, the main thing for John to discuss  
 15 with me was about the Sunday opening, was the main  
 16 thing.  
 17 Q. Let's move on to the September meeting. If you go back  
 18 to your witness statement, please --  
 19 A. What page?  
 20 Q. Paragraph 81. You refer to him being challenged to  
 21 explain what action he had taken towards achieving the  
 22 objective. You have changed that, in fact, it's to  
 23 Helen Wilson had instigated a visit?  
 24 A. Bear with me. (Pause)  
 25 Q. I am not asking you to read on in relation to emails and

1 things after the event. I am asking you about this  
 2 visit, Mrs Parham.  
 3 I would like you to please focus on this visit,  
 4 rather than turning over different pages in the witness  
 5 statement, please, which have nothing to do with this.  
 6 MR STUART: My Lord, I think the witness is allowed to look  
 7 at her own witness statement if she wants to.  
 8 MR JUSTICE HILDYARD: The thing is, Mrs Parham, the most  
 9 important thing is simply to focus on the question that  
 10 is asked and try your best to answer that question.  
 11 A. Yes, sorry.  
 12 MR JUSTICE HILDYARD: The worry is that if you try and  
 13 imagine where counsel is going you may not listen as  
 14 carefully to the question as you should.  
 15 A. Sorry.  
 16 MR STUART: That's my point, my Lord. That's the only  
 17 reason I've stood up now, is that if you look, I don't  
 18 think Mr Potts has asked the question.  
 19 MR JUSTICE HILDYARD: No.  
 20 MR POTTS: Okay. I have asked her to look at paragraph 81.  
 21 MR JUSTICE HILDYARD: Yes, the stage direction was  
 22 paragraph 81.  
 23 MR POTTS: That was the stage direction. Right.  
 24 So you say "knowing that he would be challenged", so  
 25 that's a reference to Mr Rajan; correct?

1 A. This meeting is Helen Wilson.  
 2 Q. Yes, but the earlier paragraphs, you are talking about  
 3 Mr Rajan gaining traction and so on; correct?  
 4 Paragraph 79.  
 5 A. Yes, so that's why I was looking back.  
 6 Q. Okay. You were looking forward actually, but it doesn't  
 7 matter.  
 8 A. No, I was looking back.  
 9 Q. At 81, you say:  
 10 "... with this approach ... knowing that ..."  
 11 Is the "he", is that still intended to be Mr Rajan,  
 12 or is that now Helen Wilson?  
 13 A. On 81 it's Helen Wilson.  
 14 Q. I see. So you are saying that knowing that Helen Wilson  
 15 would be challenged to explain what new action she had  
 16 taken towards the objective.  
 17 Is that right?  
 18 A. That's correct.  
 19 Q. You are saying she instigated a visit to the store, so  
 20 it had nothing to do with Mr Rajan at all, this visit?  
 21 A. (Pause) Can you repeat the question, Mr Potts?  
 22 Q. Yes. I am looking at that paragraph --  
 23 A. Yeah.  
 24 Q. -- what you're trying to say --  
 25 A. Because this is Helen Wilson coming into the store.



1 Q. I am trying to understand whether this has anything to  
2 do with Mr Rajan, or whether everything you are saying  
3 in this paragraph has everything to do with  
4 Helen Wilson.  
5 A. Everything to do in that paragraph is Helen Wilson.  
6 Q. So there is no connection between her visit and  
7 Mr Rajan?  
8 A. Well, she comes into the store and she is checking the  
9 whole store performance with John, and when she does  
10 that, she puts down that the -- that we are looking at  
11 a plan of opening Sundays, Sunday trading. But she is  
12 looking at the overall of the shop and the business  
13 performance of the shop.  
14 Q. You are saying that she instigated the visit to the  
15 store under the guise of an RDM?  
16 A. That's right.  
17 Q. So you are saying, again, this was a dishonest visit,  
18 that the purpose was not to carry out a standard  
19 regional development meeting, it was part of some other  
20 agenda, which is not to do with the RDM; is that right?  
21 A. No.  
22 Q. Why do you say "guise"? Guise means pretence, doesn't  
23 it?  
24 A. Sorry, yes, yeah.  
25 Q. So she was pretending something, was she?

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1 A. Well, John had the visit with Helen Wilson, and as far  
2 as I recollect everything, she came to check the  
3 performance of the business. The key thing was the  
4 Sunday, back again, was the only thing we hadn't done,  
5 you know.  
6 Q. So you are saying this was a pretence by her?  
7 A. Well, because we didn't invite her in, that's for sure.  
8 Anything -- people like Mr Rajan and Helen Wilson, the  
9 store was charged all the time, so we hadn't invited  
10 them in.  
11 Q. You used to get regional development meetings from  
12 people. That was a sort of standard part of the  
13 Specsavers model, wasn't it?  
14 A. It was part of the standard Specsavers model, but for  
15 them, for her to come in was part of that Sunday,  
16 26 September, the deadline list that David Clark had  
17 produced, for people that hadn't opened up by the  
18 Sundays.  
19 Q. So you are saying that she was doing this in order to  
20 achieve the objective --  
21 A. Well, to push the agenda.  
22 Q. Which is the objective you are talking about? Is it the  
23 objective we referred to earlier, which is to throw you  
24 out of the store and acquire your shares, or is it the  
25 objective to try and persuade you to open on Sundays?

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1 Which is it?  
2 A. Both.  
3 Q. Both?  
4 A. Both. If we don't open Sundays, then it would go on  
5 a list by David Clark.  
6 Q. You are saying that she had the objective of getting you  
7 thrown out of the business at that point; is that right?  
8 A. Well, no. She is coming in to find out where we stood  
9 on the Sunday opening so she can report back to  
10 David Clark or Mike Rowe and Rajan of what the status  
11 was.  
12 Q. But you are saying that what the main purpose of her  
13 visit was, as far as she was concerned, was about Sunday  
14 trading?  
15 A. Yes, because everything else we did.  
16 Q. Okay. Can I ask you to turn up E1, please, page 244.  
17 That's her covering email from Ms Wilson to Mr Rowe.  
18 I forgot to say, do you say, in terms of the  
19 conspiracy, we went through the list of people who were  
20 part of the conspiracy to have you thrown out of the  
21 store and acquire your shares in April 2008 --  
22 A. You keep saying 2008. Yes. Then 2008 progressively on.  
23 That was the start of it.  
24 Q. Okay. Are you saying Mr Rowe, at 244, at this point was  
25 part of a conspiracy to throw you out of the business,

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1 that he had determined that you were going to be thrown  
2 out of the business by the time he received this email?  
3 A. (Pause) No.  
4 Q. Okay. The covering email doesn't even mention Sunday  
5 trading, does it?  
6 A. She does it on her business plan.  
7 Q. I am just asking you about the covering email.  
8 A. Not the covering email, she does it on the business  
9 plan, if you look through.  
10 Q. Absolutely. We went through that with your husband.  
11 A. John.  
12 Q. Turning through those, we had the reference to "continue  
13 to try and recruit an OO to cover Sunday trading". That  
14 was the final point?  
15 A. That's right.  
16 Q. She was told by your husband that you were continuing to  
17 look to recruit an OO to provide Sunday cover; correct?  
18 That was your husband's evidence.  
19 A. Well, like my husband always said, I sort of -- to fob  
20 them off, because my husband always knew that I was not  
21 going to open on Sundays.  
22 Q. That would mean you would not have to work on the Sunday  
23 because the OO cover would be instead of you?  
24 A. No, I would not open Sundays because, as a Christian,  
25 I felt that I don't want -- I did not want to open.

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1 I knew that I could get someone else to open. I did not  
2 want my store open. For religious reasons and a Sabbath  
3 day, it's a family day for the non-believers, but  
4 I didn't even want my staff to open on the Sundays, to  
5 get covers on the Sundays.

6 As far as I was concerned, Uckfield store I did not  
7 want to open on Sunday for my own reasons as well as  
8 nobody else to cover my store. It was just not going to  
9 happen.

10 Q. I see. So the religious reasons were two-fold. One is  
11 that you didn't want to work on a Sunday; correct?

12 A. Yes, and I did not want anybody else to work on a  
13 Sunday.

14 Q. And the second one, you didn't also, what, for religious  
15 reasons you didn't think that anybody else should work  
16 on a Sunday either?

17 A. Yeah, that's my -- of my faith. You know, I respect  
18 Sunday as a Sabbath day, that I felt that I didn't want  
19 anybody to work on the Sunday. That's family time.  
20 Even with a non-believer, as far as I am concerned  
21 Sunday trading was not going to happen.

22 Q. Your husband's evidence on Friday, which although it's  
23 nowhere in his witness statement or, indeed, in yours,  
24 was that he told Ms Wilson that you were trying to  
25 recruit an OO and he didn't indicate that you were

1 unhappy with the store opening on Sunday. Were you  
2 a party to the discussion with Helen Wilson?

3 A. No.

4 Q. You weren't?

5 A. No. That meeting was with John and Helen Wilson.

6 Q. I see. So as far as you were aware, you were not aware  
7 that she had been told in any way that you were not  
8 happy to open on a Sunday?

9 A. No.

10 Q. Did your husband tell you that he had told her that he  
11 had said that you were trying to recruit an OO for  
12 Sunday and that he was not saying anything about you  
13 being unhappy about Sunday opening?

14 A. Say that again --

15 Q. Did your husband recount what he had told Ms Wilson to  
16 you after the meeting?

17 A. No, I can't recollect.

18 Q. So you have no recollection of discussing the issue with  
19 your husband after the meeting with her?

20 A. No. No.

21 Q. Surely that's something he would have discussed with  
22 you, Mrs Parham?

23 A. No.

24 Q. You say it was important to you?

25 A. Well, as far as John and I was concerned, we were not

1 going to open Sunday, so it wasn't an issue for him to  
2 come up to me, come up to me to discuss that. But  
3 I can't remember John having that -- any discussion  
4 about that when Helen Wilson visited the store.

5 Q. Isn't the reality that neither you nor your husband  
6 choose to mention anything about this discussion about  
7 the Sunday opening because it's unhelpful to your case,  
8 in your witness statements?

9 A. No. The reason why I don't tell any of SOG staff about  
10 my faith and the reason why I don't want to open is  
11 because, why should I? That's personal, it's got  
12 nothing to do with any of the Specsavers team. And as  
13 far as I was concerned, the Sunday trading is voluntary.  
14 Like I said before, it's involvement in day-to-day  
15 management with my shareholders' agreement. So I didn't  
16 feel it was necessary to discuss with any of them of my  
17 personal reasons, because as far as I was concerned, me  
18 and my husband owned the store, so we had the right to  
19 make that decision ourselves. It wasn't the  
20 B shareholders' decision or otherwise for me to be  
21 forced to open the Sunday. So it wasn't a discussion  
22 that I needed to have with any of the team of why  
23 I refused to open. It was not going to happen.

24 Q. So the position is at no point did you explain to  
25 Specsavers that you did not want to open on a Sunday

1 because of your personal religious faith? You viewed  
2 that as a personal --

3 A. No, why should I? That's personal. Yeah, absolutely.  
4 Why should I? And actually, if I had told them, I would  
5 have been forced out sooner, not 2011. If they knew it  
6 was never going to happen, that escalation would have  
7 been a lot sooner and I think I would have been out in  
8 2008/2009. It would not have helped my case.

9 I can't see, especially with emails going about  
10 spawn of the devil, you know, that wasn't really  
11 advocating -- that wasn't very nice, was it? So the  
12 Vision Aid Overseas charity event, when really it was  
13 a guise more to advance their Sunday advance trading  
14 agenda, I just felt they wouldn't care two hoots about  
15 my faith anyway, so it wouldn't have helped me.

16 Q. In terms of --

17 A. As I said before, it was voluntary. Specsavers always  
18 said it was voluntary; it wasn't compulsory. Behind the  
19 scenes they were making it compulsory because of the top  
20 20 target list, but as far as I was concerned, I don't  
21 need to discuss anything about my personal faith or my  
22 belief. It's got nothing to do with them.

23 Q. And indeed, in fact you weren't telling Specsavers that  
24 you were not prepared to open at this point, that you  
25 weren't prepared to open on Sundays at all? You weren't

1 telling them that in any way?  
 2 A. No, I was just fobbing them off. It gives us -- just  
 3 leave us alone. That was the only thing that I didn't  
 4 comply to, and you know, why should I? Why should I?  
 5 I didn't sign up to it.  
 6 Q. Then we explored with your husband on Friday that there  
 7 was a regional communications meeting on 19 January  
 8 where it was agreed with Mr Rajan that the store would  
 9 open --  
 10 A. Can you take me to my witness statement?  
 11 Q. It's not in your witness statement. If I take you to  
 12 E2/366, at the bottom of the page, he reports that they  
 13 are working towards a plan to open on 1 May.  
 14 A. Hold on an sec.  
 15 Q. Yes.  
 16 A. Can you bear with me?  
 17 Q. Yes. (Pause)  
 18 That's 366. Then 372 was another text, your husband  
 19 sent a text later, shortly afterwards, on 27 January  
 20 saying that they are going to start Sunday trading as at  
 21 6 March, two months earlier than agreed?  
 22 A. Yes, this is all because I remember John has a meeting  
 23 with Riyaz on 17 January, and says "Shakila --  
 24 I remember this vividly because he comes back and says  
 25 "We are going to face the board". Riyaz basically says

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1 to him that if we are not -- I'll make sure I get this  
 2 right. (Pause)  
 3 Yeah, he has a meeting with Riyaz, comes back and  
 4 says, "Shakila, if we don't open Sundays we will be  
 5 facing the board", because he remembers that  
 6 conversation with him. And we all know that a meeting  
 7 with the SOG board means that you are going to get  
 8 kicked out. And then the reason why we suddenly change  
 9 our tune and go earlier, because I attend the RCM  
 10 meeting later, a couple of days later, I attend an RCM  
 11 meeting, and like I said, we were the only ones left in  
 12 the Meridian East region that hadn't opened for Sundays,  
 13 and we were named and shamed. I remember that one,  
 14 I thought, oh, my goodness. So I said to John, "Okay,  
 15 we had better do it because I don't want to lose my job  
 16 over it". So the pressure, the force -- and you can  
 17 see:  
 18 "Outstanding work, Riyaz. Just keep up the  
 19 pressure. Ensure they hit that date," you know.  
 20 So that's why, because, you know, John sends that  
 21 text and we shift it right to 6 March, because we knew,  
 22 I remember, that I was going to be -- my job was on the  
 23 line, I was going to be kicked out.  
 24 Q. So --  
 25 A. Because nobody sees -- I've never seen -- I have never

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1 had a board meeting ever, and the only time you have  
 2 a board meeting is, you know, when there is problems,  
 3 you know, an ejection coming out of the business, you  
 4 are going to be kicked out, that's how everybody in the  
 5 group saw it.  
 6 Q. That was followed up at 378 with the new opening times;  
 7 correct?  
 8 A. Yes, that's right.  
 9 Q. So all of this was discussed with you by your husband,  
 10 of course?  
 11 A. Yes, yes, because I had decided -- well, I was forced,  
 12 sorry -- not decided, forced, pressurised into opening  
 13 the Sunday, because I knew we were going to be kicked  
 14 out, because John said, "We are going to be seeing the  
 15 board".  
 16 As you can see by the emails, it says:  
 17 "Keep up the pressure. You know their track  
 18 record," Mike Rowe says that.  
 19 "You know what they're track record's like," because  
 20 they know we've been fobbing them off, 2008, 2009, 2010.  
 21 We are now in the beginning of February, and so: Keep  
 22 the pressure up because we need it to happen. So  
 23 6 March comes along, but it's too late by then, because  
 24 the action's ready.  
 25 Q. In relation to this point about being told that you were

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1 going to go to the board and you knew that a board would  
 2 mean that you would be kicked out, that doesn't appear  
 3 anywhere in your witness statement, does it?  
 4 A. Doesn't need to.  
 5 Q. Mrs Parham, you go to extensive lengths in a very  
 6 extensive witness statement to give a large number of  
 7 particulars of examples of Specsavers applying improper  
 8 pressure upon you in relation to the Sunday trading  
 9 agenda, but you mention nothing, nor does your husband,  
 10 about being told that you were going to be put in front  
 11 of a board meeting of Specsavers and that that would  
 12 mean you were going to be kicked out?  
 13 A. Yes, we do, actually. (Pause)  
 14 Q. Where do you refer to this threat by Mr Rajan at that  
 15 meeting?  
 16 A. Well, John has the meeting, so it might be in John's  
 17 witness statement.  
 18 Q. It's not in his witness statement.  
 19 A. Oh, right.  
 20 Q. It's not in yours. This is an important allegation,  
 21 isn't it? You say that this is the thing that actually  
 22 persuaded you to open?  
 23 A. Yes, definitely.  
 24 Q. But you don't mention it in your witness statement at  
 25 all?

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1 A. It's definitely not in John's?  
 2 Q. No. (Pause)  
 3 If it had happened, you would have mentioned it in  
 4 your witness statements. This is an important issue for  
 5 you, Mrs Parham, isn't it? (Pause)  
 6 A. It is (inaudible), I can't believe that it's not in the  
 7 witness statement. (Pause)  
 8 Q. Perhaps we can look at that, rather than spending too  
 9 much time on it now --  
 10 A. Yeah.  
 11 Q. -- you can come back to that, or no doubt your counsel  
 12 can re-examine.  
 13 You also don't say anything in your witness  
 14 statement about this being -- this wasn't a three-month  
 15 trial, was it; you had agreed to open?  
 16 A. John had the meeting with Riyaz on 17 January, and when  
 17 he came back he told me that, "Shakila, we can do  
 18 a trial run, you know, open up the Sundays, because we  
 19 are going to be escalated to the board".  
 20 Q. So you are saying that you understood this to be a trial  
 21 run; is that right?  
 22 A. Well, for me, escalating the board was going to be that  
 23 I was going to get kicked out. So the trial run, we  
 24 will do it and we will see how the take-off -- a lot of  
 25 stores, when they opened up, they wouldn't do every

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1 Sunday sight testing, they would only do a certain  
 2 amount. So I thought, well, let's trial on it or run  
 3 it, you know, we will do it.  
 4 Q. Are you saying that --  
 5 A. I'll do anything not to, you know, lose my job.  
 6 Q. Are you saying that he told you that he had agreed with  
 7 Mr Rajan that this should be a three-month trial period,  
 8 which is his evidence to his Lordship?  
 9 A. Yeah, that's what he -- if that's what John agreed,  
 10 that's what John agreed, because he was the one who had  
 11 the meeting.  
 12 Q. Well, which is it? Is it just he told you, "Let's do it  
 13 on a three-month period" or, did he tell you that he had  
 14 agreed with Mr Rajan that this would be a three-month  
 15 trial?  
 16 A. Both. He agreed with Rajan and he came back and, as  
 17 I said, the main thing I looked at is that we were going  
 18 to be escalated to the board. John was concerned that  
 19 we were going to be exited out the business, so we did  
 20 it. We set up that we decided we would do it on 6 March  
 21 because, as I said, we were the last one in my region  
 22 that was not open on a Sunday.  
 23 Q. Can I ask you to focus on my question? I am asking you  
 24 whether he told you, "Let's trial it for three months",  
 25 or was he saying that he also had agreed that it would

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1 only be a three-month trial with Mr Rajan?  
 2 A. Well, between Mr Rajan and John they will trial run it.  
 3 Q. Sorry?  
 4 A. Trial run. A three-month trial run.  
 5 Q. Are you saying that your husband told you that he had  
 6 agreed with Mr Rajan that this would just be  
 7 a three-month trial?  
 8 A. Can I have the question again?  
 9 Q. Are you saying that your husband told you that he had  
 10 agreed with Mr Rajan that this would just be  
 11 a three-month trial?  
 12 A. Yes.  
 13 Q. Are you saying he did say that to you, or are you just  
 14 trying to corroborate your husband's evidence to the  
 15 court on Friday?  
 16 A. No. How I understood it, when John came back and told  
 17 me that, you know, we will do a three-month trial run,  
 18 and, you know, we are going to be escalated to the board  
 19 and I knew that we were going to be kicked out, so then  
 20 I go to the RCM meeting and I know that after being  
 21 named and shamed and being the only one left on the  
 22 region that hadn't been open, I thought let's just do it  
 23 early, let's bring it forward.  
 24 Q. I am just asking you about this point about it being  
 25 a trial, Mrs Parham. Just focus on that, okay?

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1 A. I can't totally 100 per cent recollect.  
 2 Q. So the answer is --  
 3 A. -- the exact -- whether it was agreed -- there was ...  
 4 I can't 100 per cent recollect.  
 5 Q. You see, because there is nothing in your witness  
 6 statement about this being an agreed trial, or that you  
 7 were only going to be trialling this Sunday opening, is  
 8 there?  
 9 A. No, there isn't.  
 10 Q. No, in fact there is nothing in your husband's witness  
 11 statement about this being trialled either, is there?  
 12 A. But the bottom line is we open up on 6 March, that's --  
 13 you know, so we are opening up on 6 March, John sends  
 14 the text, getting that arranged. We open up on 6 March.  
 15 Q. In fact is the position that as far as Specsavers were  
 16 concerned and, indeed, you were concerned, you had  
 17 agreed by January 2011 to open on Sundays?  
 18 A. No. (Pause)  
 19 As I said, when John had that meeting, he came back  
 20 and said that -- yeah, actually that's right -- that the  
 21 trial run period, let's do it, going to get escalated to  
 22 the board and we will trial run it, three months.  
 23 Because John knew exactly how I felt about the Sundays.  
 24 So if it meant, you know, that we are not going to be  
 25 kicked out, we will try run it. Get them maybe off our

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1 back a bit and trial run it and do it.  
 2 Q. So nothing about an agreement with Mr Rajan, just that  
 3 you and your husband internally would give it a go for  
 4 three months?  
 5 A. No, in fact, you know, Riyaz agreed with John that that,  
 6 you know, would be a trial run.  
 7 Q. So you are saying that it wasn't that -- your husband  
 8 did tell you that it would be a trial period for three  
 9 months?  
 10 A. I knew it was a trial run that we were going to do.  
 11 Q. Despite it not being -- and you made no mention of that  
 12 in your witness statements?  
 13 A. No.  
 14 Q. In fact, could I ask you to turn up your second witness  
 15 statement, please, paragraph 11? You do refer to the  
 16 trial run back in 2008, don't you? Do you remember the  
 17 idea of a trial period back then?  
 18 A. There was a trial period in 2010.  
 19 Q. No, 2008, or maybe even 2010 it had been mentioned as  
 20 well?  
 21 A. Trial run, yes. There have always been trial runs.  
 22 Q. Paragraph 11 --  
 23 A. Because you are just fobbing them off, basically just  
 24 pushing them away, because that was the only problem  
 25 that we had was the Sunday trading. So all -- I used to

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1 have a conversation with John: just fob them off, just  
 2 fob them off. So John knew what he had to do, because  
 3 he was always the one who was having these meetings with  
 4 Mr Rajan at the store.  
 5 Q. Paragraph 11 of your statement. Could you read that,  
 6 please, second statement? (Pause)  
 7 A. Yeah, because that's right, it makes it clear that we  
 8 were ... (Pause)  
 9 Yeah, because we were worn down, because we got the  
 10 pressure, the pressure, the unbearable pressure, seeing  
 11 the -- facing the board, that was pressure. That, to  
 12 me, means that we are going to be kicked out if we  
 13 don't, you know, do the Sundays.  
 14 Q. There is nothing in there about giving in to pressure  
 15 and agreeing to open on a trial period, is there?  
 16 A. Where, Mr Potts, do you say?  
 17 Q. There is nothing in there about giving in to the  
 18 pressure and agreeing on a trial basis to open for three  
 19 months, is there?  
 20 A. Can you repeat the question? I don't understand the  
 21 question.  
 22 Q. There is nothing in that paragraph about you were giving  
 23 in to the pressure and agreeing --  
 24 A. Paragraph 36?  
 25 Q. Paragraph 11 of your second statement. You refer in the

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1 final sentence:  
 2 "I refer to the section about the Sunday trading  
 3 plot. We finally gave in to a long process of wearing  
 4 down."  
 5 A. Paragraphs 202 and 205.  
 6 Q. Paragraph 202 said:  
 7 "We had also finally given in to the persistent  
 8 pressure --  
 9 A. Yes, because Mark Raines -- yes, Mark Raines acts that  
 10 it was voluntarily and freely agreed. It wasn't  
 11 voluntarily and freely agreed. See behind the emails  
 12 that Mark Raines says about gaining traction, you know,  
 13 going up on the list, disengaged. You know, it wasn't  
 14 voluntarily and freely agreed at all.  
 15 Q. And that talks about "finally given", and you resigned  
 16 yourself to giving up church. There is no suggestion  
 17 this was just going to be for three months, is there?  
 18 A. I resigned to the fact that, yeah, I would give up  
 19 church and do it.  
 20 Q. Just for three months?  
 21 A. Well, I would -- you know, I would do it because I did  
 22 not want to be kicked out, so --  
 23 Q. The question is just for three months?  
 24 A. Yes.  
 25 Q. Just for three months; is that right?

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1 That's not what you say in your witness statement,  
 2 Mrs Parham. Your evidence to this court is important,  
 3 that it's accurate. You are not saying giving up  
 4 church. The clear impression you are giving in your  
 5 witness statement is that you had agreed to Sunday  
 6 opening, not that you had agreed to do so just for  
 7 a three-month period; do you accept that?  
 8 A. No.  
 9 Q. Where in this witness statement do you say that it's  
 10 clear that in fact all you were doing was agreeing to  
 11 open for a three-month period, Mrs Parham?  
 12 A. Well, I am pressurised and I agree that it's not written  
 13 on my witness statement, and I, you know, relent to  
 14 opening up the Sunday. I don't know why it's not in  
 15 there, but ...  
 16 Q. The reason why it's not in there is because it didn't  
 17 happen, Mrs Parham, and that you are lying to this court  
 18 now?  
 19 A. No.  
 20 Q. That is why.  
 21 A. No, that's incorrect. I disagree.  
 22 Q. There is nothing in your witness statement about it  
 23 being for a three-month trial basis and there is nothing  
 24 in your witness statement about you agreeing to do this  
 25 because of the threat to take this to the board, which

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1 you knew, by Mr Rajan, which you knew would result in  
2 your expulsion?  
3 A. It's definitely about the threat of going to the board,  
4 and that is why, you know, being worn down, a long  
5 process of wearing down, the pressure, pressure,  
6 pressure, all I can remember, all I do every day is test  
7 day in day out. The only thing that, as I said, the  
8 relationship between me and Specsavers was absolutely  
9 fine. The relationship started to break down because  
10 I resisted to the Sunday opening, and the pressure built  
11 up over the time.  
12 You can see the -- that already by the time I was  
13 kicked out he had already found directors for the store.  
14 So, you know, they knew that my background -- the  
15 background for me and John of always fobbing them off  
16 about the Sunday, they generally did not believe that we  
17 would do it. That's how I saw it. They thought that,  
18 you know -- do it. And knowing our history of that, you  
19 know, they already had the directors in line on 1 March.  
20 They already knew. They had already discussed prices  
21 with these directors, so I was out.  
22 Q. The position is --  
23 A. Regardless of three-month trial or genuine, or whatever,  
24 I was out.  
25 Q. As far as Specsavers were concerned, in September 2010,

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1 they were being told that you were continuing to look to  
2 recruit an OO to cover Sundays, and there was no  
3 suggestion that you were not prepared to open on  
4 Sundays; correct?  
5 A. Well, as I said, we were fobbing them off, we were  
6 basically just fobbing them off --  
7 Q. So the answer to that is yes, as far as Specsavers were  
8 concerned?  
9 A. Specsavers, as far as Specsavers was concerned, we were  
10 just saying to them, "Yes, we will look for an optom,  
11 yes, we will try, blah blah blah", and Specsavers  
12 already on 26 September, we were, you know, that was  
13 their deadline about the Sunday trade -- that we were on  
14 that list, that was the deadline.  
15 Why is that a deadline? For me, that's a deadline.  
16 If you can't get them to open on Sunday by this  
17 deadline, we will then, you know, you know, eject them  
18 out the business. You had already had, you know,  
19 looking into compliance issues, looking into banking  
20 issues. You were already trying to find something  
21 against us to use as a tool to get your agenda, you  
22 know, getting us out and getting new directors in that  
23 are actually open now Sundays?  
24 Q. And by January --  
25 A. That was his deadline, 26 September.

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1 Q. As far as Specsavers were concerned, by January 2011  
2 based on your communications with them, they understood  
3 that you had agreed to Sunday opening?  
4 A. Because, as I said, in January John has the meeting with  
5 Mr Rajan, and Mr Rajan says to him, "If you don't open  
6 by the Sundays, you are going to be escalated to the  
7 board".  
8 Q. A point which does not appear in your statement?  
9 A. Well, I'll leave it to James Stuart to pick me up on  
10 that, because I don't know why that's not in the  
11 statement.  
12 Q. Okay.  
13 Could we go back to E1, please, page 250, at the  
14 bottom of the page. You are familiar with this email,  
15 Mrs Parham, I think?  
16 A. I am just reading it, Mr Potts.  
17 Q. Of course. Just let me know. (Pause)  
18 A. Yes.  
19 Q. Okay. Now, this is an email from Mr Rajan, we have  
20 discussed who he is. You say at paragraph 90 of your  
21 statement --  
22 A. Of the --  
23 Q. -- of your first witness statement, that this was a sham  
24 report to give retrospective cover for an investigation  
25 that SOG had already conducted.

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1 A. Yes, because Trish Lofting is a witness here, in these  
2 proceedings, and she categorically denies it.  
3 Q. Now, you are saying that this was being done as part of  
4 the plot to -- and what was the motive? What was  
5 Mr Rajan's motives? You say this was in order to have  
6 you thrown out of the business and your shares acquired?  
7 A. Yeah, because Tim Smart in 2009 sends an email saying,  
8 you know, "If you can't go, if you can't achieve the  
9 Sunday -- if we can't achieve the Sunday opening through  
10 the JVP route, come up with something creative". That  
11 was creative, because Trish Lofting categorically  
12 denies it.  
13 Q. Yes, and you are saying that Mr Rajan was being creative  
14 in order to come up with an excuse to have you thrown  
15 out of the business; is that right?  
16 A. Yes, because Mr Rajan is not in these proceedings to  
17 defend himself, but Trish Lofting is, and she's never  
18 spoken to Mr Rajan at all, because it was only through  
19 the employment tribunal proceedings that the  
20 Trish Lofting allegation came to light, only in the  
21 employment tribunal proceedings in court that that was  
22 the -- you know, was the whistleblower, you call it.  
23 Now, the employment tribunal, 50 per cent of -- the  
24 employment tribunal didn't give me the full extended  
25 disclosures like it has done in the High Court, and in

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1 the employment tribunal none of the Sunday plot motive  
 2 disclosures were given by Specsavers in the employment  
 3 tribunal, my Lord. And I was part heard, and £70,000 of  
 4 me and my husband's money was spent on the employment  
 5 tribunal.

6 When we got there, this was the first time me and  
 7 John knew about the Trish Lofting allegation. I was  
 8 totally upset because I am a good colleague of  
 9 Trish Lofting and I was at this stage locumming at her  
 10 store, working for her. So if she felt that --  
 11 genuinely felt that, first of all she wouldn't let me be  
 12 working at her store and, two, when I approached her  
 13 about it, absolutely denied it. She never spoke to  
 14 Mr Rajan. She even said to me: if she did, why didn't  
 15 he approach her for a written statement? So it is  
 16 totally creative.

17 Q. This email was sent by Mr Rajan to Mr Rowe.

18 A. Which one are you referring to?

19 Q. The bottom one, Mr Rajan sends it on to Mr Rowe and then  
 20 Mr Rowe forwards it on to Mr McAlindon at the top; do  
 21 you see that?

22 A. Yes.

23 Q. You are saying that Mr Rajan was already aware of this  
 24 transaction; correct?

25 A. Mr Rajan is the one who obviously, you know, speaks to

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1 Trish Lofting apparently and says, you know, this has  
 2 happened, and so he reports this to Mike Rowe.  
 3 Q. Are you saying that Mr Rowe was already aware of this  
 4 transaction before this, before receiving this email?  
 5 A. No. Say that again?  
 6 Q. Are you saying Mr Rowe, because this is with reference  
 7 to the £555 rebate which we in fact know your husband  
 8 had carried out; correct?  
 9 A. Yeah, but not from what this ex-employee of ours --  
 10 because there hasn't been an ex-employee of ours that's  
 11 worked in Trish Lofting's store in the 18 May 2009 of  
 12 that transaction happening.

13 Q. I understand. I'm just trying to get you to understand  
 14 the transaction. The transaction is the refund in  
 15 relation to the NPower cheque on to your husband's --

16 A. That's correct, the rebate cheque.

17 Q. Which obviously you accept happened; yes?

18 A. Yeah, because my husband logically did what he did with  
 19 that cheque, that rebate cheque.

20 Q. We will come on to how it happened later. I am asking  
 21 you: are you asserting that Mr Rowe knew about this  
 22 transaction before receiving the email from Mr Rajan?

23 A. No.

24 Q. You are not? So are you asserting that Mr Rowe was part  
 25 of this plot and conspiracy at this point as well?

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1 A. No.

2 Q. No? So you are saying that it's Mr Rajan who's getting  
 3 the ball rolling, but Mr Rowe doesn't know anything  
 4 about the transaction at the time?

5 A. Well, how I see it is that he's reporting it to

6 Mr Rajan -- Mr Rajan is reporting it to Mike Rowe. So  
 7 it's, you know, how I see it is the first time Mike Rowe  
 8 hears about it.

9 Q. Okay, then Mr Rowe forwards the email on to  
 10 Mr McAlindon?

11 A. Yes.

12 Q. Are you asserting that Mr McAlindon was aware of the  
 13 transaction before receiving this email?

14 A. Well, they had been looking into my compliance issue  
 15 since 2008, so accounts would have known on the day or  
 16 the month, like my husband says in his transcript, that  
 17 we get those monthly reconciliation reports. So it  
 18 clearly states what my husband had done and how he  
 19 logically done the accounting procedure.

20 So SOG were well aware of that procedure beforehand,  
 21 because they were on the lookout at the store. So, yes,  
 22 I can't possibly see it was later in 2010 that it first  
 23 came to light by SOG.

24 Q. I am asking you about Mr McAlindon. So you are saying  
 25 he was aware of it in advance of receiving this?

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1 A. No.

2 Q. Sorry, no? No, you are saying he was aware, or no,  
 3 you're not saying that he was aware?

4 A. (Pause) No.

5 MR POTTS: My Lord, I don't know if that might be  
 6 a convenient moment?

7 MR JUSTICE HILDYARD: Yes. 2 o'clock.

8 (1.00 pm)

9 (The short adjournment)

10 (2.00 pm)

11 MR POTTS: Mrs Parham, before the short adjournment, you  
 12 referred, I think on a couple of occasions, to an email  
 13 from Mr Smart referring to a more creative approach. Do  
 14 you remember that? I think you referred to it this  
 15 morning.

16 Could you take up E1, please?

17 A. Yes.

18 Q. Page 126.

19 This is an email from Mr Smart of 7 April 2009. Is  
 20 that the document you were referring to? (Pause)  
 21 It's the evidence you gave this morning.

22 A. Yes, I know.

23 Q. Is that what you were intending to refer to?

24 A. I think there is another one as well.

25 Q. From Mr Smart referring to being more creative in

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1 approach?  
 2 A. (Witness nods)  
 3 Q. This is one of them, is it?  
 4 A. This is one of them.  
 5 Q. You are suggesting that this Mr Rajan was being creative  
 6 as a result of this email; effectively, he was giving  
 7 effect to what had been said in this email? Is that  
 8 right?  
 9 A. That's right, because, as I said, Trish Lofting  
 10 categorically denies reporting about an ex-employee  
 11 working at my store and her store about that rebate  
 12 transaction.  
 13 Q. Okay.  
 14 Firstly, Mr Rajan wasn't a recipient of this email,  
 15 was he?  
 16 A. No.  
 17 Q. But you are saying that he acted in response to this  
 18 email?  
 19 A. But he's part of a chain, if you see, of Mr Rajan  
 20 reports to Mike Rowe, Mike Rowe reports to Mark Raines,  
 21 and if you look at that, you have got ...  
 22 Q. Are you suggesting that Mr --  
 23 A. You have got the RCT team all together there.  
 24 Q. -- that the instruction by Mr Smart to -- here, this  
 25 reference to being a bit more creative with the

1 21

1 approach, are you suggesting that's an instruction by  
 2 him to members of the team to make up allegations so  
 3 that you could be thrown out?  
 4 A. For me, it means that if you can't get them effectively  
 5 open, then yes, come up with a better way of doing it  
 6 from basically the back door instead of the front door.  
 7 Q. Are you suggesting it's an instruction from him, the  
 8 reference to creativity is an instruction to do  
 9 something improper?  
 10 A. Yeah, creative to mean come up with a creative story.  
 11 Q. Well, sorry, I'll just put the question again. The  
 12 reference to creativity is a direction to do something  
 13 improper?  
 14 A. Yeah, well, the Trish Lofting allegation is improper.  
 15 Q. I am asking you about this email, what this email was  
 16 intended to convey to other members of the team,  
 17 according to you.  
 18 A. Well, it's got to be another document with the creative  
 19 in it.  
 20 Q. Okay, just generally a reference to creativity, you say  
 21 that's to do something improper and dishonest, is it?  
 22 A. (Pause) Well, in the terms that this team and their  
 23 objective is, yes.  
 24 Q. So you are saying that -- sorry?  
 25 A. Go on. Sorry.

1 22

1 Q. Are you saying Mr Rowe at this point would have  
 2 understood, in April 2009, that this was an instruction  
 3 that he and all the other members of the team should do  
 4 something improper in relation to Sunday trading?  
 5 A. Yeah, because they are all part of the team together, as  
 6 I said. Mr Rajan, Mike Rowe, reports to -- Mike Rowe  
 7 reports to Mark Raines, and Mark Raines is the one who  
 8 starts talking about gaining traction, because the board  
 9 are getting frustrated of not getting all the stores  
 10 opened on Sunday.  
 11 Q. And the creativity is, what, in order to persuade people  
 12 to open on Sunday, or in relation to the plan which you  
 13 say was already in place that you would be thrown out of  
 14 the business and your shares acquired?  
 15 A. The plan. In the plan of my exit.  
 16 Q. Of throwing you out of the business?  
 17 A. Yes.  
 18 Q. I put it to you, Mrs Parham, that that's not a fair  
 19 reading of this document, and all he is suggesting is  
 20 that in relation to a specific question they needed to  
 21 be a bit more creative in persuading -- it was  
 22 an innocuous suggestion about going back to JVPs,  
 23 isn't it?  
 24 A. No.  
 25 Q. If you go back to your witness statement, paragraph 87,

1 23

1 you say here -- going back to Mr Rajan filing his  
 2 report, the email we looked at.  
 3 A. Yes.  
 4 Q. It was only because it would be too late for the  
 5 26 September deadline to show what positive action he  
 6 had to deliver on the agenda that had been set; yes?  
 7 A. That's right, because like I said, Mark Raines was  
 8 looking for a more aggressive approach, because there is  
 9 31 stores that should be still open, and he is  
 10 struggling to gain traction on the mechanism(?) and the  
 11 speed of approach(?) to David Clark's list, and the  
 12 deadline was set at 26 September.  
 13 Q. Was Mr Rajan's agenda by this point, I think you say, to  
 14 have you thrown out of the business?  
 15 A. Well, come up with something creative, like I said, go  
 16 through the back door instead of the front door, come up  
 17 with something that you can use as an exit, that they  
 18 can use as an excuse to get me out.  
 19 Q. I see.  
 20 A. At the end of the day, my Lord, it's just a simple  
 21 optician who I saw it as I was complying to everything  
 22 that Specsavers were doing, and I am not coming across  
 23 very well on disclosures on my notes, and I apologise  
 24 for that, but for me, how I saw it outside is that I did  
 25 everything that Specsavers want me to do and there was

1 24



1 no reason, especially by the explanations of my husband,  
 2 about those transactions -- it was a rebate cheque.  
 3 I mean, they are looking into compliance issues and  
 4 failings at my store since 2008. You know, according to  
 5 my shareholders' agreement, if there was any breaches or  
 6 any, you know, failings, they could be remedied.  
 7 A simple remedy. And all this about the background of  
 8 who's who, they were all together.  
 9 You see, with partners in the store, they never get  
 10 to see these people in Guernsey on a personal level. It  
 11 was never a case of a relationship, you know, we see.  
 12 That like Mr Potts says, they are not in your store.  
 13 This is all going in the Guernsey level, you know. They  
 14 don't approach you. If something like that, with  
 15 Trish Lofting, why wasn't a board meeting? It was  
 16 genuine, it was bona fide, you would come into my store  
 17 and say, "Look, what's going on here? " And sit down  
 18 and, like I said, my husband -- pick up the phone, even.  
 19 If he couldn't come from Guernsey to the store, pick up  
 20 the phone and say, "Look, we have got a problem here,  
 21 what happened to this transaction?"  
 22 They perfectly well know that that transaction  
 23 happened in May 2009. Why are they coming now in 2010?  
 24 That's how I see it. It's just that I am getting --  
 25 I'll be honest with you, I am getting confused.

1 25

1 I should know my witness statement, but I am getting  
 2 upset because at the end of the day these people are  
 3 certainly sneaking around, looking into my store without  
 4 no permission, no board meeting. You know, a simple  
 5 phone call if they were really acting genuinely. That's  
 6 how I saw it.  
 7 There was just no other motive than the Sunday.  
 8 There is no evidence here of anything else.  
 9 Q. Okay. Now, the reference --  
 10 A. Because I am not --  
 11 Q. When I say "okay", I don't accept what you have just  
 12 said, Mrs Parham, but I hear you've just said it.  
 13 A. Confusing me. But I'm saying to my Lordship.  
 14 Q. Right.  
 15 A. I am just an optician who was testing every day, and you  
 16 know, behind the scenes this is all going on. All I am  
 17 saying is I have not spent three years fighting this  
 18 litigation on, you know, against Specsavers. A good  
 19 enough reason: I never wanted to open Sundays, and you  
 20 know, they couldn't get me to open and the only way they  
 21 could get me to -- get me out was come up with  
 22 a creative story. Because I am not dishonest, my  
 23 husband is not dishonest, there's no fraudulent activity  
 24 going on. I pay, with the joint venture partnership,  
 25 the accounting and management cost so that they can --

1 26

1 any failings, it could be remedied.  
 2 Q. Right.  
 3 Can I move back to the reference that you made in  
 4 your witness statement to the 26 September deadline?  
 5 Could I take you to E1, please, page 220? This is  
 6 an email from Mr Goddon, a retail development  
 7 consultant, to Mr Raines, and it's copied to a number of  
 8 people, on 22 July 2010. Yes?  
 9 A. Yeah, I am going to read it.  
 10 Q. The point I'm making, just so you understand the issue,  
 11 is your figure, the reference to the figure, the date of  
 12 26 September, which you refer to in your witness  
 13 statement comes from page 221, as you state in your  
 14 witness statement, at the second holepunch "Timescales".  
 15 (Pause)  
 16 I am really asking you to focus on the paragraph  
 17 which says "Timescales" on page 221.  
 18 A. Yes.  
 19 Q. Is that the document you are referring to in your  
 20 witness statement as the 26 September date? That's  
 21 where it comes from, isn't it?  
 22 (Pause)  
 23 You see at paragraph 73, if it helps you, that's  
 24 your reference to it, and this is the document. Okay?  
 25 (Pause)

1 27

1 A. Okay. Not that I accept it.  
 2 Q. Okay. You say it's by reference to this deadline. Now,  
 3 this is an email back in July 2010, and it's talking  
 4 about any store that can mobilise Sunday trading would  
 5 be encouraged to do so, deadline by the 26th:  
 6 "This will enable partners to plan with their teams,  
 7 manage the summer holiday period, and the change of  
 8 hours notice periods."  
 9 Then there is reference to after that an escalation  
 10 to David Clark.  
 11 Now, the first point is that by 15 September, this  
 12 is talking about, before the summer, about making plans  
 13 for opening by 26 September; correct?  
 14 A. Repeat the question, sorry?  
 15 Q. This is an email before the summer talking about making  
 16 plans in store for arranging summer holiday periods and  
 17 opening in September; correct?  
 18 A. Right. So I remember this, because in March, Mr --  
 19 sorry, in February 2010 when Mr Rajan comes into our  
 20 store talking about opening Sundays, trial period, and  
 21 we go and fob him off, he goes off, and then that three  
 22 months falls on the July periods, and he realises we  
 23 haven't opened yet, so we are again back on the list.  
 24 Right? Which, you know, again, the pressure is put up  
 25 back again for us to hit that deadline of Sunday the

1 28

1 26th.  
 2 So that, you know, as I said, Mr Rajan at the  
 3 beginning of the year, in February, and because we don't  
 4 open up, February, that's March, April, May, June, July,  
 5 that's when this letter comes, circulates through,  
 6 because we haven't achieved it, that target. I think  
 7 that comes from David Clark to put the -- not  
 8 David Clark.  
 9 Q. Mr Goddon?  
 10 A. Mr Goddon, to put the pressure up further, because as  
 11 you can see, we are still on the list, not opening.  
 12 Q. The point I'm making to you is the discussion of the  
 13 26th date had been before the summer; correct? You see  
 14 that from this email, because it's in July?  
 15 A. Yes.  
 16 Q. By the 15 September meeting that you had with Ms Wilson,  
 17 it was clear at that point the store wasn't going to be  
 18 open by 26 September. That was clear, wasn't it?  
 19 A. Yes.  
 20 Q. I put it to you that Mr Rajan's email had nothing to do  
 21 with Sunday opening at all. He was just passing on  
 22 something that he had heard.  
 23 A. No, because Mike Rowe, he had -- Mike Rowe sends  
 24 Mr Rajan an email in 2000(sic) and said, "Can you help  
 25 get the stores over the 80 per cent figure? Uckfield is  
 1 2 9

1 on the list of 31 potential stores. Can you help" --  
 2 can he help getting those remaining stores open.  
 3 Q. His email, which he sends on 17 September, was not going  
 4 to deliver Sunday opening by 26 September, was it?  
 5 A. No, but he was pressurised to not get open but come up  
 6 with something, because he knew we weren't going to  
 7 open, so as I said, come up with something creative,  
 8 something else that we can use, because if you know  
 9 you're not going to open, you realise, well, we need to  
 10 get them out. So the deadline that he was given was the  
 11 26th.  
 12 He was, you know, following instructions to  
 13 basically come up with something that they can use.  
 14 Q. So --  
 15 A. Because --  
 16 Q. I am sorry. The deadline of the 26th is, you say, the  
 17 deadline to come up with something to get rid of you, to  
 18 get you out of the store; is that right?  
 19 A. Yes, because the Trish Lofting allegation is absolutely  
 20 false, it's not true. So why are they doing that?  
 21 If it was genuine, then why don't we have a board  
 22 meeting? Why don't we sit down and work out, you know,  
 23 address the Trish Lofting allegation? Why wasn't a  
 24 board meeting held if it was in genuine? If it was in  
 25 good faith, you know, then it would have been, you know,  
 1 3 0

1 not behind our backs.  
 2 Q. Can I take you to paragraph 94, please, just dealing  
 3 with Mr McAlindon? Because we saw that this email was  
 4 passed on to Mr McAlindon.  
 5 A. Yeah, well, he is the head of loss prevention.  
 6 Q. At paragraph 94 you say that Mr McAlindon, again with  
 7 the 26 September deadline in mind, forwards Mr Rajan's  
 8 email to Mr Barnes?  
 9 A. Yes.  
 10 Q. Then Mr Barnes forwards it on to Mr Gutteridge; yes?  
 11 A. Yes.  
 12 Q. Let's just break that down.  
 13 So in relation to Mr McAlindon, are you saying that  
 14 Mr McAlindon had seen Mr Goddon's proposal of 22 July?  
 15 A. No.  
 16 Q. So how is it that he's got a deadline of 26 September in  
 17 mind?  
 18 A. No. Mr McAlindon doesn't get involved before the  
 19 Sunday, 26 September. He only gets involved with --  
 20 later because he's the guy who has to do the exit plan.  
 21 Q. No, that's not what you are saying here, Mrs Parham.  
 22 You are saying that on 24 September, with the Sunday,  
 23 26 September deadline in mind, Mr McAlindon forwarded  
 24 the email on to Mr Barnes.  
 25 Now, I am asking you --  
 1 3 1

1 A. Can you --  
 2 Q. Paragraph 94 of your statement.  
 3 A. (Pause) Yeah, because Mr Rajan has a target to reach,  
 4 so --  
 5 Q. I am not talking about Mr Rajan here. I am talking  
 6 about Mr McAlindon, which is what you are talking about  
 7 in paragraph 94 of your witness statement.  
 8 Are you suggesting that Mr McAlindon was aware of  
 9 some deadline on 26 September which led to him  
 10 forwarding it on 24 September?  
 11 A. No.  
 12 Q. So what are you saying in 94, please?  
 13 (Pause) Isn't the position what you are seeking to  
 14 allege in paragraph 94 --  
 15 A. I am not alleging anything.  
 16 Q. Well, let me put the question. What you are seeking to  
 17 allege in paragraph 94 is that Mr McAlindon is part of  
 18 the dishonest conspiracy to get rid of you, and it's  
 19 with some deadline in that regard that you say -- the  
 20 deadline of the 26th -- he forwarded the email on to  
 21 someone else in his team?  
 22 A. No.  
 23 Q. Isn't the reality that it has nothing to do with any  
 24 deadline at all; he is just forwarding on to someone in  
 25 his team an email because it looks like something that  
 1 3 2

1 needs looking into?  
 2 A. No, as I said before, I am not coming across well, but  
 3 basically the Sunday the 26th is a deadline that they  
 4 have got to come up with, as I said, about the  
 5 Trish Lofting allegation. And Mel McAlindon and his  
 6 team are looking -- they are in the background. What  
 7 they are looking into, as I said, any compliance issues,  
 8 and they are forwarded by Mike Rowe about the  
 9 Trish Lofting allegation. And so, therefore, that is  
 10 going to be used as my exit plan.  
 11 Q. So you are suggesting in this paragraph that  
 12 Mr McAlindon is dishonestly acting as part of this  
 13 dishonest plot to have you ejected?  
 14 A. Yeah, definitely. He's a dishonest man.  
 15 Q. At that point, you're saying he had this dishonest plot  
 16 in mind at that time, and this is the dishonest plot  
 17 that goes back to 2008?  
 18 A. Well, they do no paper trail, so something is dishonest.  
 19 If it was, you know, not dishonest, why don't they do a  
 20 paper train of everything, so its' all clear and open  
 21 and transparent, what's going on.  
 22 Q. So you are saying that Mr Barnes and Mr Gutteridge are  
 23 also, by forwarding on the email with no message, is in  
 24 accordance with a dishonest instruction that there  
 25 should be no paper train?

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1 A. Absolutely.  
 2 Q. Mrs Parham, I put it to you that that is just not the  
 3 case and you are just making up allegations without any  
 4 substance, which you think will advance your case.  
 5 A. Not true. I totally disagree with that, because  
 6 Mr Barnes, Mr Gutteridge, after that deadline, are  
 7 looking into banking issues now about evidence of  
 8 stealing. And why are they doing that? I didn't give  
 9 them any authorisation, John didn't give them any  
 10 authorisation, or to the SOG board, to look into any  
 11 banking compliances.  
 12 The accounts team never, ever had an issue with me  
 13 and my husband about any of the banking, the accounts,  
 14 invoices, anything. I never got one phone call in 2003  
 15 right to the time that I had left that there was any  
 16 issue with any banking or stealing or rebate cheque. So  
 17 if the accounts department didn't have an issue, how can  
 18 the loss prevention know more than the accounts  
 19 department, who receive all my paperwork every single  
 20 day, transferred up to the Guernsey office or  
 21 Nottingham? Why is Mel McAlindon and his team getting  
 22 involved? Because they would be the first point of call  
 23 to me, as how I see it. And so therefore, you know,  
 24 what's this going on behind the scenes? What is all --  
 25 what is this totally unnecessary, all this looking --

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1 they keep hanging on to this rebate cheque. So that  
 2 would have been evident in 2009, and we are in 2010, you  
 3 know, on that issue.  
 4 Q. Now, you are referring to a 26 September deadline here  
 5 in paragraph 94. There is hardly a stampede by  
 6 Mr McAlindon to meet some deadline on 26 September,  
 7 because the meeting with your husband didn't take place  
 8 until five weeks later on 1 November; is that right?  
 9 A. Yeah, because they are looking at other stuff to find.  
 10 They are looking at banking at this point. They are  
 11 trying to find something more, because Mel McAlindon  
 12 knows perfectly well that the rebate cheque is not  
 13 a dishonest, and not a fraudulent, and not an issue. So  
 14 he's got to find something more, because they are  
 15 hanging on strings, I see it. They can't find anything.  
 16 Q. Let's move on.  
 17 A. So they keep looking, they keep looking right to the  
 18 point of September, October, because these banking  
 19 issues was July and September, and they were thinking:  
 20 oh, you know, we can get some more here. And there is  
 21 nothing they find any more. And they -- as I said,  
 22 there wasn't an issue with the accounts department with  
 23 it. So they are just trying to find something more --  
 24 more damning.  
 25 Q. Okay, let me move on to the meeting on 1 November

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1 between your husband and Mr McAlindon and Mr Barnes.  
 2 Now, you weren't present at the meeting, were you?  
 3 A. No, not at all. 1 November, my Lord, was a Monday.  
 4 I remember that day because it was my day off, and my  
 5 husband was working at the shop because I always worked  
 6 the Saturday. And I remember he came home to the house,  
 7 he was really quite distressed because he had got  
 8 a phone call that morning from Mel McAlindon stating  
 9 that he wanted to see him at the hotel, and you know,  
 10 out the blue.  
 11 I mean, in the whole period of 2003 we have never  
 12 had a phone call to say, "Meet in a hotel, need to talk  
 13 to you about a banking issue". So my husband came home,  
 14 I mean, taken off the shop floor about a query which  
 15 could have been done on the phone. He was quite sort of  
 16 stressed out. He went to the hotel, saw Mr McAlindon,  
 17 and then was questioned about the rebate cheque and  
 18 those two banking errors. So when John came back and  
 19 told me, he was quite upset, because his first  
 20 experience with Mel McAlindon was not a nice one.  
 21 Q. Okay. And Mr McAlindon's evidence is that you  
 22 telephoned Mr McAlindon during the evening; is that  
 23 right?  
 24 A. That's correct.  
 25 Q. And you said during that call that you couldn't believe

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1 that your husband had been so stupid in taking the £555  
2 refund from NPower?  
3 A. Incorrect. All I said was "OMG", I said, "It's just the  
4 wrong procedure, the accounting procedure that he had  
5 done".  
6 Q. Could I take you to paragraph 20, please, of your second  
7 witness statement?  
8 A. Paragraph, sorry?  
9 Q. So you deny --  
10 A. Paragraph ...?  
11 Q. Did you refer to the reference -- did you say something  
12 about being stupid?  
13 A. Can I get to it first, Mr Potts? Sorry, I'm not there.  
14 Q. Sorry, paragraph 20 is the section of the statement. So  
15 you agree that you --  
16 A. Sorry, wait. Oh, yeah.  
17 Q. You did accept that you thought your husband had been  
18 stupid; correct?  
19 A. It was the wrong procedure.  
20 Q. Let's break it down. You did say that you thought your  
21 husband had been stupid?  
22 A. Stupid, because -- yeah, in the fact that it's the wrong  
23 procedure.  
24 Q. You recognised that this was Uckfield's money rather  
25 than your husband's to take, didn't you?

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1 A. I take that back. Not stupid. That's a statement of  
2 Mr Mel McAlindon, "stupid". I put in my statement, it's  
3 "Oh my God, that was the wrong procedure". So I take  
4 that back.  
5 Q. So you didn't say the word "stupid"?  
6 A. No.  
7 Q. You appreciated at the time that this was the company's  
8 money rather than his money just to take as and when he  
9 chose; correct?  
10 A. No, I mean, at the end of the day we have never, ever  
11 had a rebate cheque in the Uckfield store ever, my Lord.  
12 So how I looked at it is that I knew the accounting,  
13 how he treated the accounting process, was incorrect,  
14 that's all. But a rebate cheque, the logic behind it,  
15 I can understand why John did that, because the logic  
16 behind it is that we felt -- he saw it like a rebate  
17 cheque that you would get paid at home. It's  
18 an overpayment.  
19 I had explained to Mel McAlindon in my investigating  
20 meeting that Specsavers had already borne all the costs  
21 of the -- of that rebate cheque. It was from the  
22 profits, yes, of the company. John had genuinely forgot  
23 the tax element of it, and so did I. I didn't actually  
24 know that there was a tax element in the company point  
25 of view. I mean, one thing is for certain that we are

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1 not tax experts. So it was an error, it was a mistake.  
2 It was a stupid mistake.  
3 Q. If this was just a bit of clumsy bookkeeping that you  
4 thought your husband had carried out, why did you feel  
5 the need to call Mr McAlindon in the evening?  
6 A. Because anybody who gets to see Mr Mel McAlindon knew  
7 that it was not good news, you know. All the directors  
8 at the store know that if you get a phone call from  
9 Mel McAlindon you know you are going to be pressured,  
10 pressurised to be taken out.  
11 So why would you go in a hotel? That looks, you  
12 know, intimidating. Why are you going to a hotel about  
13 a rebate check? Why not pick up the phone? Pick up the  
14 phone. It was genuine and in good faith, you don't need  
15 the loss prevention coming in.  
16 Q. Your husband's evidence in his witness statement was  
17 that Mr McAlindon appeared to accept his explanation in  
18 relation to this, and he believed that that was the end  
19 of the matter?  
20 A. No, not at all. My husband came back home, I remember,  
21 because he was so upset, because he said Mel McAlindon  
22 went ballistic of his explanation about the rebate  
23 cheque. He said, "No, that is not your money. It's the  
24 company's money."  
25 So John was in shock. In fact, I had never met

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1 Mel McAlindon at that point, so I was thinking, "Oh, he  
2 can't be that bad" and my husband was so upset. He was  
3 going, "Honestly, Shakila, he just went crazy. He just  
4 went ballistic," you know. You know, it was -- he just  
5 wouldn't accept the explanation about a rebate.  
6 I remember that, because my husband was very, very  
7 upset. He felt that Mel McAlindon was sort of saying,  
8 implying, that he was stealing.  
9 Q. Could you turn on, please, in volume B to tab 4, which  
10 is your husband's second statement, paragraph 3?  
11 Paragraph 3 of your husband's second statement. He says  
12 there:  
13 "He appeared [that's Mr McAlindon] to accept my  
14 explanation, and I was led to believe that that was the  
15 end of the matter."  
16 That's not really very consistent with the evidence  
17 you are giving the court now, is it?  
18 A. No, what I said was, you just said to me that -- can you  
19 repeat your previous question? You said that he was  
20 fine --  
21 Q. I put it to you that your husband's evidence in his  
22 statement said that Mr McAlindon appeared to accept his  
23 explanation and that he was led to believe that that was  
24 the end of the matter. You said that' not the case and  
25 I've just taken you to your husband's statement.

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1 A. Yeah, my husband went in to explain matters, how he  
 2 treated the rebate cheque. He was upset about  
 3 Mel McAlindon's response, because I remember my husband  
 4 saying he went ballistic. And as far as my husband was  
 5 concerned, that was the end of the matter. But he  
 6 thought, you know, he knew that something wasn't right.  
 7 We have never had someone ask us, him, to go to a hotel  
 8 to explain about a rebate cheque.  
 9 Q. Didn't you appreciate that this was the company's money,  
 10 and putting it on to an unknown card through the chip  
 11 and PIN machine was improper?  
 12 A. Well, it was the wrong accounting procedure. It wasn't  
 13 stealing. This was money that belonged to the company,  
 14 yes, but me and John owned 100 per cent of the profits  
 15 that belonged to the A shareholders. So technically it  
 16 would have come back to us.  
 17 Yes, the tax implication would have been taken off,  
 18 so it was a genuine mistake, like John explained in the  
 19 last two days. And it could have been remedied very  
 20 easily. In fact, just put the whole money back in the  
 21 company or just pay the tax on it. It wasn't a big  
 22 issue.  
 23 Q. Isn't the reality that you realised that the matter was  
 24 serious and you were trying to distance yourself from it  
 25 to Mr McAlindon to show that you weren't involved in

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1 what your husband had done?  
 2 A. Are you going to be referring to the --  
 3 Q. I am just asking you to answer the question.  
 4 A. No. Could you repeat the question, please?  
 5 Q. Yes. Isn't the reality that you realised the matter was  
 6 potentially serious and you were trying to distance  
 7 yourself from this to Mr McAlindon --  
 8 A. It wasn't serious at all.  
 9 Q. -- and to indicate that you were not involved?  
 10 A. First of all, it wasn't serious. Secondly, yeah, it was  
 11 John's accounting. How he dealt with it in his logic  
 12 sense, being an engineer, he always likes to sort out  
 13 the problem differently. He likes to sort out the  
 14 problem himself.  
 15 For me, I would have done it differently. I would  
 16 have rung accounts. So I said to him, when he came back  
 17 home, "Oh, OMG, wrong procedure, you should have rung  
 18 accounts". But at the time, you know, in 2009, there  
 19 was no procedure. So even if, you know, accounts, he  
 20 had rung accounts, there was no procedure anyway. So at  
 21 the end of the day there was technically nothing majorly  
 22 wrong, because there was no procedure at the time.  
 23 There was a procedure later in 2010, and we had received  
 24 a cheque, like John said, of £2,000 in January 2011 and  
 25 John did the correct accounting procedure.

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1 It was one mistake. One mistake. Like John said  
 2 two days ago, our store was charged a whole year of  
 3 Tamworth store's Busy Bee vouchers, you know. We picked  
 4 it up a year later. The accounts department made  
 5 a mistake, they didn't even say sorry, they took the  
 6 money back, they remedied it, it was all sorted. Why  
 7 couldn't they have done that with us? Why are we being  
 8 treated differently? Why was it treated so badly?  
 9 The accounts department didn't even have an issue  
 10 with it in 2009, so only Mel McAlindon, the team and all  
 11 the rest of it had the issue. It's such a simple  
 12 mistake.  
 13 Q. Okay.  
 14 Could I take you to E2/428-1? It's the transcript  
 15 of the meeting you had with Mr McAlindon on 7 March.  
 16 A. E2/4 --  
 17 Q. It's 428-4 I would like to take you to.  
 18 A. Paragraph ...?  
 19 Q. Well, it starts at the first holepunch. You were asked  
 20 about the NPower there, and it's outlined as to what he  
 21 had done.  
 22 Then you give a response. The section starts:  
 23 "First time ..."  
 24 Do you see that?  
 25 A. Yes.

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1 Q. It goes down to the bit where he says:  
 2 "I knew straight away that it was wrong so then [he]  
 3 rang accounts."  
 4 A. Yes.  
 5 Q. So it's, "OMG, oh my God, why did you do that? Why  
 6 didn't you tell me?" That was you expressing that you  
 7 appreciated that this was seriously wrong, hence "oh my  
 8 god"?  
 9 A. Not seriously wrong: wrong procedure. Oh my goodness,  
 10 you know, wrong procedure. So not serious. Why do you  
 11 keep saying serious? Don't twist my words. This is not  
 12 serious. It's a rebate cheque.  
 13 You know, John -- you know, if you had got, like  
 14 Mel McAlindon kept saying in this meeting, if you asked  
 15 the common man, you know, a hundred common people  
 16 outside what would you do with a rebate cheque,  
 17 guaranteed, my Lordship, people would say, "Well, I've  
 18 overpaid, I'd put that back into my account." That's  
 19 how John saw it. He didn't understand the company is  
 20 a company difference, which quite a few -- I'll be  
 21 honest with you, ask quite a few directors now, they  
 22 wouldn't have known the difference, that you still had a  
 23 tax element.  
 24 Q. But you understood it?  
 25 A. No, I didn't. I didn't. I just know it's the wrong

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1 procedure.  
 2 Q. You say that you told Mr McAlindon that you told your  
 3 husband to phone up the accounts department at this  
 4 point?  
 5 A. Yes, I did.  
 6 Q. Well, your husband's evidence is that you didn't do any  
 7 such thing?  
 8 A. Because he was still too upset about Mr McAlindon's  
 9 ballistic approach to him, because I tell you, it was  
 10 ballistic. That's the words my husband used. So he was  
 11 still blurred about, you know, having this experience  
 12 with Mr McAlindon. And to be honest with you, a one hit  
 13 wonder with Mr McAlindon will put you off completely.  
 14 He's just an utter bully.  
 15 Q. You are saying that he did ring the accounts department  
 16 here. This is what you are telling Mr McAlindon?  
 17 A. I don't know whether John did or not, that is what  
 18 I said to him, "You should have rung the accounts  
 19 department".  
 20 Q. Isn't the impression you're seeking to give in the  
 21 interview with Mr McAlindon that you were giving your  
 22 husband clear instructions to, you were trying to  
 23 distance yourself from this and telling him to phone up  
 24 the accounts department to sort it out, when in fact  
 25 that didn't happen?

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1 A. I am not distancing myself away from John at all in  
 2 that. I am just saying it was, you know -- all I am  
 3 saying to Mel McAlindon, "Yes, I agree, it is the wrong  
 4 procedure", because he's agreed, but Mr McAlindon keeps  
 5 going on about: it's gross, it's misconduct, it's like  
 6 stealing.  
 7 In fact, in this hour interview -- well, not  
 8 interview -- investigation meeting, Mr McAlindon  
 9 actually says "gross misconduct" eight times and  
 10 "dishonesty" five times in this whole hour. So he's the  
 11 one who feels it's damning. He's the one who feels it's  
 12 conclusive. He's the one who feels it's stealing.  
 13 I don't. I treat it as a rebate cheque, you know,  
 14 that could be done. So it's him that's saying it's  
 15 damning, it's wrong, you know, it's stealing. Puts  
 16 loads of scenarios in front of me about, you know, this  
 17 poor retail manager, 20 years in the business, you know,  
 18 desperate, in fact he used the words "in financial  
 19 shit", and says he is desperate for money, takes £10 out  
 20 of the till, and tries to make out that's the same as  
 21 what John did with the rebate cheque.  
 22 Q. We will come back to the meeting on the 7th in a moment.  
 23 Can I take you on to 1 March? You had a call on  
 24 23 February from Mr McAlindon --  
 25 A. Correct.

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1 Q. -- to attend a meeting on 1 March; correct?  
 2 A. Correct.  
 3 Q. Then there was an exchange of emails about what the  
 4 meeting was going to be about; correct?  
 5 A. Yes, because when we got this phone call about attending  
 6 a hotel, you know, another Hotel Arora in Crawley, I was  
 7 very concerned, because after John told me his first  
 8 encounter with Mel McAlindon, I thought what's that got  
 9 to be about? I had been in the business since 1999 with  
 10 Specsavers. Never have I been called into a hotel out  
 11 of remit, so I thought that's a bit intimidating, that's  
 12 a bit odd, why would they want to do that? The only  
 13 thing I could think of is about this rebate cheque that  
 14 John had, that visit and the banking issues that we  
 15 cleared out, because obviously they couldn't find any  
 16 evidence of stealing from the two banking discrepancies  
 17 they had. Even though, like the accounts department,  
 18 they didn't raise it with us in those months.  
 19 I was so concerned, so I rang my sister, who is in  
 20 compliance and audit for a big bank -- I won't say  
 21 what -- and I said "Look, Mala, I'm really concerned --  
 22 you know, she understands all these things. I said,  
 23 "I'm really concerned", I said, "We have got a phone  
 24 call to go to this hotel. I am not happy. Short  
 25 notice, 23rd for the 1st. What do I do?" She said,

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1 "Don't worry, we will send an email", and she sent -- it  
 2 was my sister who wrote that email, and she said, you  
 3 know --  
 4 Q. Is your sister a lawyer?  
 5 A. Why, do I need a lawyer at this stage?  
 6 Q. No, I'm just actually trying to --  
 7 A. No, she's not a lawyer.  
 8 Q. Okay. That's fine.  
 9 A. I've just said she's in compliance and audit.  
 10 Compliance and audit. Because straight away, you  
 11 know -- the only time -- Mel McAlindon has actually got  
 12 a reputation of being a bully, you know, and a thug.  
 13 And everyone in the group, directors in the store  
 14 companies, know that.  
 15 So if you get a phone call from Mel McAlindon, the  
 16 story, the rumour -- but it's not a rumour now, because  
 17 it actually happened to me -- was you get into a hotel  
 18 with Mel McAlindon, you never come back to your store.  
 19 The store's locks are changed. That was the rumour that  
 20 was going around. In fact, I quite laughed it off at  
 21 the time. That was a couple of years back. And then it  
 22 happens to me, it actually happens to me and my husband.  
 23 That's ridiculous.  
 24 So my sister sends this email for me, and she  
 25 says -- and it says, as you know, on the email, "Do we

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1 need a third party? What is this all about? Who is  
 2 present?" He comes back and says, "Don't worry. It's  
 3 an informal meeting. It's just an outcome of the audit.  
 4 Phil Barnes will be there, and you don't need no  
 5 circulation at this point."  
 6 Q. Just in terms of the meeting, the meeting was a short  
 7 one, wasn't it, on 1 March?  
 8 A. Yeah. It's like ten minutes to give me a suspension  
 9 letter. Oh my gosh, you know, the absolutely shock and  
 10 horror of 1 March, going to a hotel, thinking it's the  
 11 outcome of the audit, and this is a -- you know, that's  
 12 dishonest, you know, that's more dishonest than the  
 13 rebate cheque, as far as I am concerned. Dishonest.  
 14 You know, I have been handed a suspension letter.  
 15 Who gives him the right to hand me a suspension  
 16 letter anyway? Who is he? He is the head of loss  
 17 prevention. Is he a member of Uckfield board? Oh my  
 18 goodness, you know, me and my husband were in a state of  
 19 shock. He hands this letter over, in fact he throws it  
 20 over because I am trying to say, "What is this about?"  
 21 and he says it's about expenses: bras, knickers out of  
 22 petty cash, lunches, flights to Spain for a holiday.  
 23 And I am thinking, "Where has this come out of? Where  
 24 is this over out of nowhere has come out?" And I think  
 25 to myself, "My goodness, if these are things that we

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1 haven't declared, it will go on the P11D, the personal,  
 2 the credit card".  
 3 Specsavers advocate, promote that you are allowed to  
 4 use your credit card for personal. I have been using my  
 5 credit card for personal since 1999. He was talking  
 6 about an overuse of the P11D. I've never heard of the  
 7 use of the term "overuse of the P11D". So he hands this  
 8 suspension letter -- well, throws it over -- and I say,  
 9 "You can't do that", and my husband says --  
 10 Mr Mel McAlindon says, "Watch me" and throws the  
 11 suspension letter across the table. Phil Barnes was  
 12 next to him, then he laughs, and my husband goes, "Why  
 13 are you laughing? This is our livelihood here, this is  
 14 our whole everything." And this is my husband's second  
 15 visit with Mr Mel McAlindon, and I am thinking, "Oh my  
 16 gosh", and my husband says, "Just take it. We don't  
 17 accept this. He won't listen to you." And we go. And  
 18 I never after that day get back to my store as  
 19 a director.  
 20 So I come back to the store as a locum of my own  
 21 store, but never back after that date as a director.  
 22 Totally humiliating. It was utterly disgusting that we  
 23 could be treated like that, and you know, I am supposed  
 24 to be a director. I was treated worse than an employee.  
 25 Q. Mrs Parham, I appreciate the strength of your feeling,

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1 but I would like you to try and --  
 2 A. Yeah, absolutely. I am three years down the road of  
 3 something that -- this chap has not even followed  
 4 employment law. He has not even followed simple  
 5 employment law, and I am sitting here three years on --  
 6 it's all right for them, Specsavers, loads of money,  
 7 £1.8 billion, a 1.8 billion turnover. They boast on  
 8 that -- I was sitting there watching Bognor's case,  
 9 boasting about 1.8 billion turnover. Where has that  
 10 turnover come from? It's come from people like us, all  
 11 those directors in the UK. They are the ones that are  
 12 making this 1.8 billion turnover, not head office. When  
 13 have this produced £1 of sales? Not. It's us that  
 14 produce it.  
 15 So they sit there. I have been listening to that.  
 16 The greed is unbelievable, and it's us that do it, and  
 17 it's me and my husband, we're one of the examples.  
 18 Q. I'm sorry. Mrs Parham --  
 19 A. No, you have to finish -- listen --  
 20 Q. I am trying to ask you --  
 21 MR JUSTICE HILDYARD: Mrs Parham, the thing is I do  
 22 understand the strength of your feeling. I quite  
 23 understand after three years that there is a lot of pent  
 24 up anger, and please do not think I am minimising it.  
 25 But this isn't a forum for --

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1 A. I know, I know, sorry.  
 2 MR JUSTICE HILDYARD: -- giving vent to those feelings.  
 3 You must try and answer the question and let the matter  
 4 be adjudicated reasonably calmly.  
 5 MR POTTS: I didn't interrupt you, but I am afraid time is  
 6 moving on and I do want to ask questions, and I would  
 7 like you, please, if you can, to try and listen to my  
 8 questions. And obviously, I said I haven't been  
 9 interrupting you, but it is important, please, that you  
 10 listen to my questions and try and answer them,  
 11 otherwise this is going to take a very long time.  
 12 A. Okay.  
 13 Q. The question I asked you, which I think you accept, was  
 14 that the meeting was a short one, and you say ten  
 15 minutes; correct?  
 16 A. It's a short one.  
 17 Q. Right. Mr McAlindon informed you that there were issues  
 18 of serious financial irregularities within the store,  
 19 which suggested financial malpractice by you and your  
 20 husband; is that right? He told you that?  
 21 A. Yes.  
 22 Q. You say in your witness statement that he said that it  
 23 was quite clear --  
 24 A. Can you show me where it is?  
 25 Q. Paragraph 111.

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1 A. Of my first witness statement?  
 2 Q. Yes.  
 3 A. Yes.  
 4 Q. Quite clear that using the credit card for personal use,  
 5 and you mention a few other things here, and you have  
 6 added additionally holidays in Spain, lunches and so on  
 7 as well. Firstly, if it was so plain, why do you say he  
 8 went to the trouble of giving you a written letter  
 9 saying that there was going to be an investigation of  
 10 the allegations? I put it to you that he didn't say it  
 11 was quite clear at all.  
 12 A. (Pause) Sorry, I am lost here.  
 13 Q. You say that you said it was quite clear that you are --  
 14 A. Yes, yes, right.  
 15 Q. The point I'm making to you is that he was handing you  
 16 a letter saying that there was going to be an  
 17 investigation. I am putting to you that he didn't say  
 18 at that meeting that it was quite clear?  
 19 A. He definitely did, definitely did, my Lord, definitely  
 20 did, definitely. He was definitely conclusive,  
 21 definitely.  
 22 Q. He also explained to you that the loss prevention  
 23 department would need to interview store staff and that  
 24 you'd be invited to investigatory meetings?  
 25 A. No, he just handed over the suspension letter.

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1 Q. Okay, well, the letter stated?  
 2 A. The letter said it, but he didn't say it.  
 3 Q. I see.  
 4 A. And, my Lord, that suspension letter was dated February.  
 5 He got a pen, marked up and put 1 March. So, no, he --  
 6 yeah, the letter had "February" on it and it got crossed  
 7 off and put 1 March. So they had plenty of time to tell  
 8 us and get a board meeting going. There is two dates on  
 9 it.  
 10 Apparently, that same suspension letter was the same  
 11 script as the Bognor case. So, for me, those two  
 12 letters were pre-prepared by a legal department. They  
 13 had plenty of time to, you know, come and approach us  
 14 and --  
 15 Q. Mrs Parham, I am sorry to interrupt you again,  
 16 I hesitate, but you are not answering my questions  
 17 again. You are monologuing once again.  
 18 A. I am sorry.  
 19 Q. Mr McAlindon also mentioned, among the transactions, the  
 20 Blu-Ray player. Your husband accepted that and  
 21 volunteered that on Friday. Correct?  
 22 A. He said that, yes, because obviously when two people are  
 23 listening and key into stuff that's relevant to you, you  
 24 are thinking, "What, bras, knickers?" And of course for  
 25 him being a gadget man, he is looking at the Blu-Ray

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1 DVD. So I accept that.  
 2 Q. I also put it to you that Mr McAlindon didn't laugh  
 3 after giving you the suspension letters, as you suggest  
 4 he did at all?  
 5 A. Oh yes, he did. Because at that point my husband said,  
 6 "What are you laughing at? That is our livelihood  
 7 here", and Mr McAlindon responded, "Oh, you jumped up  
 8 ...", and then Phil Barnes, you know, got him by the arm  
 9 to push him down.  
 10 Q. He also didn't start to insult your husband either at  
 11 that point, did he, or to be physically restrained?  
 12 A. Definitely he did. I was there, I saw him. So he just  
 13 said, "You jumped up ..." and I was quite shocked, and  
 14 my husband said, "Let's just get out. He won't listen  
 15 to you. Just get out." And I actually at this point  
 16 get up and actually shake Mel McAlindon's hand and  
 17 Phil Barnes thinking, you know, let's be -- well,  
 18 I shake hands because how I deal with a customer  
 19 complaint is you don't aggravate them any more, you try  
 20 and be pleasing, or, you know, helpful. Because at the  
 21 end of the day, we always were helpful to Specsavers and  
 22 whatever they wanted us to do we would do, apart from  
 23 the one and only Sunday trading.  
 24 Q. I put it to you this was a short meeting during which  
 25 you were suspended, received the suspension letters, and

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1 there was a short discussion during which some of the  
 2 matters under investigation were mentioned, nothing more  
 3 than that.  
 4 A. No, that's not true.  
 5 Q. So after the meeting, during the same evening of  
 6 1 March, your husband went over to see Mr Whittaker, the  
 7 store's lab manager; correct?  
 8 A. I wasn't privy to those arrangements so I don't know.  
 9 I wasn't part of it.  
 10 Q. Were you at home during the evening?  
 11 A. I have two young children, yes, I am at home, but --  
 12 Q. Your husband was also at home, was he?  
 13 A. Yeah, we were suspended.  
 14 Q. Your husband went out?  
 15 A. He goes in and out of that house whenever he wants,  
 16 so ... I was not privy to any of the arrangements.  
 17 I didn't even know about that he had contacted  
 18 Noel Whittaker.  
 19 Q. So your husband didn't tell you who he was going to see?  
 20 A. No.  
 21 Q. You had had a pretty stressful day that day? I think we  
 22 can agree --  
 23 A. Being suspended, Mr Potts, definitely more than just  
 24 stressful. Totally horrified.  
 25 Q. Wouldn't you have asked him, surely, after a day like

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1 that, if he was going out where he was going?  
 2 A. No. Why would I do that? He is my husband, he can go  
 3 in and out whenever he pleases.  
 4 Q. Did your husband tell you in December 2009 that he had  
 5 purchased a Blu-Ray player?  
 6 A. No.  
 7 Q. Using the store credit card?  
 8 A. No.  
 9 Q. Surely after the meeting with Mr McAlindon you would  
 10 have discussed the items that had been referred to  
 11 during the meeting by Mr McAlindon?  
 12 A. No. I was still -- well, for me -- I can't speak for  
 13 John, but I was in utter shock. And to be honest with  
 14 you, I look back at that, my Lord, and I was in such  
 15 stress and upset. I knew we hadn't done anything wrong,  
 16 so what was there to discuss? I thought it was actually  
 17 a complete and utter mistake, and I always for a long  
 18 time thought Specsavers would come round, realise it's  
 19 a big mistake, a massive mistake, because I continued to  
 20 work for them as a locum for another 208 days. That's  
 21 very forgiving considering they have just kicked me out  
 22 of my store, just thinking, "Oh, they will get round to  
 23 it, they will realise it was just a mistake".  
 24 Q. You had just been suspended, correct, and you  
 25 appreciated that the issues were serious?

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1 A. Well, he labelled them as serious, but I didn't -- me  
 2 and my husband knew that nothing had been done wrong.  
 3 We actually, to be honest with you, were that naive that  
 4 we stayed suspended thinking, "Oh, everything -- they  
 5 will go in there, find out it's nothing to worry about".  
 6 That's what we thought.  
 7 So when we got that phone call on the Friday from  
 8 Mel McAlindon to come after they had finished the  
 9 investigation, I went. I was thinking, "Yeah, great  
 10 it's over and done with. They'll sort of say,  
 11 'Basically made a mistake, everything is going to be  
 12 okay', and we will be fine", not to be told -- well, you  
 13 are going to get on to that. But no, I actually  
 14 thought, go on, fine, look, go and see what you are  
 15 looking for, because there is nothing you will find.  
 16 Q. You appreciated that suspension was serious; correct?  
 17 A. Because he's labelled is as a bit serious financial  
 18 irregularities. He labelled it; not me.  
 19 Q. The fact of suspension is serious.  
 20 A. Of course it is serious, with that he knew employment  
 21 law.  
 22 Q. Surely after the meeting you would have discussed with  
 23 your husband the specific matters that had been referred  
 24 to by Mr McAlindon during that evening, during that  
 25 meeting?

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1 A. No.  
 2 Q. You would have discussed those with your husband?  
 3 A. Not at all, my Lord. Everything that you purchase or  
 4 obtain is through a robust Specsavers system, and  
 5 actually it was brilliant because you couldn't go wrong.  
 6 The eBis system, the invoicing system, petty cash  
 7 even, you have -- they are all filed into the store, all  
 8 the receipts. So everything is robust: the till system,  
 9 petty cash, everything is there. We don't own our own  
 10 bank account or anything. So it's so controlled. There  
 11 was nothing to worry about.  
 12 Q. Mr McAlindon had mentioned the Blu-Ray player. A matter  
 13 which you accept; correct?  
 14 A. Yes.  
 15 Q. Surely you would have asked your husband, "What's all  
 16 about this, a Blu-Ray player"?  
 17 A. No.  
 18 Q. You weren't interested?  
 19 A. No. You can see on my witness statement that I don't  
 20 even mention it, because the ones that I mention are the  
 21 ones that are picked up for me, which are the bras and  
 22 the knickers and the blow-dry cut. So, no, we didn't  
 23 have the conversation, because at the end of the day,  
 24 I knew, my husband knows that there is nothing, you  
 25 know, dishonest.

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1 In fact, I don't know what they were -- it was out  
 2 of nowhere, like a shock and horror. I thought what are  
 3 they looking for? I actually thought maybe it's the  
 4 staff, or something, you know. So maybe they're looking  
 5 and we'll find out it will be staff. Why would I run  
 6 back after Mel McAlindon rings me and says come to the  
 7 hotel, because I knew we were innocent. You know? If  
 8 you've got something to hide, you'll get legal straight  
 9 away. I didn't even get legal at that point, and I knew  
 10 I could get legal because we asked for a third party.  
 11 Q. You appreciated that, from the terms of the letter at  
 12 the very least, that you were not to contact other  
 13 members of staff; correct?  
 14 A. Yes.  
 15 Q. I put it to you that you were aware and would have been  
 16 aware of your husband leaving that evening to go and  
 17 have discussions with Mr Whittaker.  
 18 A. Totally disagree. Totally disagree.  
 19 Q. I also put it to you that you would have discussed the  
 20 issue of the Blu-Ray player with your husband, and  
 21 therefore you were aware of what was going on in  
 22 relation to Mr Whittaker prior to his arrival at your  
 23 premises on the following morning.  
 24 A. Disagree.  
 25 Q. I also put it to you that you would have discussed with

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1 your husband what you were going to do in terms of  
 2 Mr Whittaker and what your husband was going to ask  
 3 Mr Whittaker to do?  
 4 A. Disagree.  
 5 Q. In terms of the Blu-Ray player?  
 6 A. Disagree. If Noel Whittaker was here now, my Lord, and  
 7 had to testify, he would categorically say I was not  
 8 part and privy to the arrangements to meet -- what my  
 9 husband done. I didn't contact Noel. I wasn't part of  
 10 any of the DVD.  
 11 Q. Are you also saying that you are unaware that your  
 12 husband had retrieved a box containing a Blu-Ray player  
 13 from somewhere in your home or the shed and had got a  
 14 black bin bag all before Mr Whittaker arrived that  
 15 morning as well?  
 16 A. Absolutely.  
 17 Q. Am I right that you would have seen your husband doing  
 18 this at home --  
 19 A. No.  
 20 Q. -- wouldn't you, Mrs Parham?  
 21 A. No, because we've got a big house, and I am not going to  
 22 watch my husband 24 hours, you know, doing what he needs  
 23 to do. When it comes to -- I've got two young children.  
 24 What am I going to be watching him doing whatever he  
 25 needs to do?

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1 First of all, that week was total utter shock.  
 2 I was at home with the children, waiting for the phone  
 3 call from Mel McAlindon to come back so that we can  
 4 clarify whatever they need to do. You know, DVD, it  
 5 didn't even come to my mind. As I had said, it didn't  
 6 even come to my mind there was an issue with any of what  
 7 Mel McAlindon was going on about.  
 8 Q. You say you saw Mr Whittaker at your home on the morning  
 9 of 2 March; correct?  
 10 A. From upstairs. Noel Whittaker, by the way, my Lord, is  
 11 a tenant to our -- we have a second property in  
 12 Uckfield. We bought that property so that staff can  
 13 live in there, and that was our technician and the  
 14 manageress, because they travel from Crawley. So the  
 15 bottom line is he was a tenant.  
 16 When I was upstairs on that -- upstairs with the  
 17 children getting them ready for school, I looked out the  
 18 window and saw Noel. So yes, I came down and yes, I did  
 19 talk to him, but I wasn't privy to any of the other  
 20 arrangements.  
 21 Q. You saw that there was a black bin bag?  
 22 A. No. You know, all I am looking at is Noel. I have been  
 23 suspended, so I don't know even what he is carrying. As  
 24 far as I am concerned, you know, I am looking at Noel's  
 25 face.

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1 Q. You come downstairs at some point -- we will come back  
 2 to that in a moment -- and you have a conversation of  
 3 some kind with Mr Whittaker --  
 4 A. Yes, I do.  
 5 Q. -- and you see him. Are you saying that you didn't see  
 6 a black bin bag --  
 7 A. Oh my gosh, that's -- you know --  
 8 Q. -- with a large box in it? Is that right?  
 9 A. You know, all I care about is that Noel has come round  
 10 and I am having a conversation with him, because all  
 11 I care about is I am in suspension. I have, you know --  
 12 not in my shop testing, so I knew that patients that had  
 13 been booked in my clinic would be upset. He lives --  
 14 I live literally five minutes away from the store,  
 15 Noel Whittaker and our second property are another five  
 16 minutes. Noel has to pass our house every day. I have  
 17 to pass the shop every day, but anyway, you know, all  
 18 I care about is, "Noel, what's going on?" You know.  
 19 I have been suspended. It was utter, you know -- I am  
 20 more interested in that. I'm not interested in him  
 21 carrying the black bag.  
 22 Q. He is not just carrying a black bag, is he? He is  
 23 carrying a pretty large item, which is inside --  
 24 A. I don't even know what he is carrying.  
 25 Q. Would you accept that the box containing the Blu-Ray

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1 player is quite a large item? It's not tiny, is it? It  
 2 must be quite large?  
 3 A. As I said to you, Mr Potts, that was the last thing I'm  
 4 going to be looking at, I didn't even know what he was  
 5 carrying. I didn't even know -- all I am looking at is  
 6 Noel Whittaker. I've been suspended. All I care about  
 7 is talking to him. As things change, what's happened.  
 8 Q. He has a black bin bag which is not sealed; correct?  
 9 A. I don't know.  
 10 Q. With a box containing a Blu-Ray player, which he said  
 11 that you could see out of the top of the bag. Are you  
 12 saying you didn't see either the bag or this large box  
 13 when you had your discussion with him?  
 14 A. That's correct, that's correct. I'm too busy looking at  
 15 his face talking, last thing on my mind is what he's  
 16 carrying for work or anything.  
 17 Q. Were you appreciating that he was carrying this large  
 18 item?  
 19 A. No, I don't even know if he was carrying anything.  
 20 I was looking at his face. All I cared about was what's  
 21 happened.  
 22 Q. And you didn't ask why Mr Whittaker had turned up at  
 23 your house either?  
 24 A. No, because he's come to my house.  
 25 Q. Yes, you didn't ask him why he had come to your house;

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1 is that right?  
 2 A. That's right, yeah, I didn't ask.  
 3 Q. The reality is that you were unaware of the fact that  
 4 your husband had been texting with Mr Whittaker?  
 5 A. That's right.  
 6 Q. Because Mr Whittaker said in his statement that you were  
 7 both stood at the door when he arrived and that your  
 8 husband gave him the bin bag and asked him to put it in  
 9 the stock room, and that Mr Whittaker could see that it  
 10 was a Blu-Ray player. Are you saying that none that  
 11 happened? Is that right?  
 12 A. Noel Whittaker has three hearsay statements, and at the  
 13 time even of the ET that I had, the disclosure was the  
 14 one that he is talking about, this hearsay one. But the  
 15 true one is the one when -- which was witness  
 16 hearsay one, when Noel Whittaker says that John is at  
 17 the door with the black bag, et cetera, and then he says  
 18 about Shakila talking to him later, and that's the true  
 19 one.  
 20 Actually, my Lord, when I go back to locum at the  
 21 store, Noel Whittaker, being a tenant of the store, was  
 22 very upset and totally upset of what had happened,  
 23 et cetera. And we do have a coffee together because as  
 24 I said he is a tenant and told me. I said, "Why did you  
 25 lie that I was part -- at the door waiting for him to

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1 give the Blu-Ray DVD?" And he said, "No, I never said  
 2 that". And he's left the business in that year, and my  
 3 manageress, because they were partners, they both left  
 4 because they were so upset. In fact, in Mel McAlindon's  
 5 audio, dated 7 March, Mel McAlindon actually says that:  
 6 your technician was such a loyal -- he's been put  
 7 between a rock and a hard place because of his loyalty  
 8 to you, and the rock was his job, his position, because  
 9 he wanted to be a director.

10 So he was pressurised into what he -- doing that  
 11 second statement. So it's completely not true, and if  
 12 Noel was here now he would say the truth.

13 Q. I am asking you about what happened. Are you saying  
 14 that you were not stood by the door when he arrived?

15 A. Correct.

16 Q. And when your husband passed the bin bag to him and  
 17 asked him to put it in the stock room?

18 A. Correct. I was not.

19 Q. I put it to you that that was what happened, and you  
 20 were well aware of what your husband was up to, and you  
 21 would have discussed it with your husband in advance.

22 A. No, not at all.

23 Q. You did have a brief discussion with Mr Whittaker at the  
 24 door, didn't you?

25 A. Yes, I had a chat with Mr Whittaker at the door.

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1 Q. So you did come to the door, but you say that you  
 2 didn't --

3 A. Yeah, came downstairs, doing the children for school,  
 4 came down -- because I looked out of the window, saw  
 5 Noel was there and thought, "Oh, he must have news. We  
 6 are going back to the store." Came down and yes, I went  
 7 into a conversation with Noel.

8 Q. You say you didn't see this large item and the bag?

9 A. No.

10 Q. I put it to you, Mrs Parham, that's incredible and it's  
 11 not the case.

12 A. Well, that's your opinion, but it's absolutely true.

13 Q. You explained to him about being in shock about the  
 14 investigation; correct?

15 A. Correct.

16 Q. You said about seeking advice from solicitors and  
 17 sending a letter to Mr Dyson?

18 A. Yeah, if all things failed.

19 Q. So --

20 A. I did say that, yes, I did say that.

21 Q. Which is what he reported in his statement?

22 A. In both statements. That's what was the shock and  
 23 horror, because that bit was true, you know, and yet  
 24 it's the same on the hearsay one as well.

25 So what has happened is the witness statement has

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1 been tampered to suit -- well, the one that that police  
 2 report to suit -- Mel McAlindon's needs to conclude,  
 3 because that would have been, quite obviously, that bit  
 4 was correct but the rest wasn't. So to incriminate me  
 5 as part of the Blu-Ray DVD situation. It was to  
 6 incriminate me.

7 Q. You also said if it all went wrong you would go and work  
 8 for Vision Express across the road and you were  
 9 comfortable that your customers would follow?

10 A. Absolutely, and I am now.

11 Q. Which is also what he said in his statement?

12 A. Yes, as I said, it says it in hearsay 1 and 2. That's  
 13 convenient.

14 Q. Now, you don't mention this conversation that you now  
 15 accept you had with Mr Whittaker in your statement  
 16 at all?

17 A. Show me.

18 Q. Paragraph 138.

19 (Pause) If you read the whole paragraph, this is  
 20 where you deal with this issue. This is all you say  
 21 about it. (Pause)

22 A. Yeah, and the question?

23 Q. You don't mention the discussion that you now accept  
 24 that you did have with Mr Whittaker in your witness  
 25 statement here, do you?

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1 A. No.  
 2 Q. In fact, the impression that you are seeking to give  
 3 here is that you took no part in the conversation, do  
 4 you see:  
 5 "I only saw them at the door in discussion"?  
 6 A. Yes, I am not privy to the arrangements of the DVD going  
 7 back to the store.  
 8 Q. Isn't the clear impression you are seeking to do is try  
 9 to distance yourself from this and give the impression  
 10 that you took no part in the conversation?  
 11 A. Because I didn't, I wasn't privy to the arrangements  
 12 with the DVD going back to store. But I do have  
 13 a conversation which is completely and utterly separate  
 14 to the DVD arrangements.  
 15 Q. I put it to you that paragraph 138, as you well know, is  
 16 misleading and you are seeking to give the impression  
 17 that there was no discussion to which you were a party.  
 18 A. I disagree. I was not privy to the arrangements, and  
 19 only chatted to him at the door. Privy to the  
 20 arrangements of the DVD.  
 21 Q. Now, Mr Whittaker's statement was read out to you during  
 22 the investigatory meeting on 7 March.  
 23 A. Correct.  
 24 Q. And at that point you felt ill and appeared to faint,  
 25 you slipped from your chair?

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1 A. Well --  
 2 Q. And the interview was stopped at that point; is that  
 3 right?  
 4 A. That's correct.  
 5 Q. You state that it was the shock of being ambushed by  
 6 a statement from a member of staff?  
 7 A. And also with the GOC subtle threat, because  
 8 Mel McAlindon, just before -- and if you go into the  
 9 audio transcript of 7 March, Mr McAlindon, just before  
 10 he starts to read out Noel Whittaker's statement, he  
 11 talks about a situation where an ophthalmic director has  
 12 been taking money out of the business and is reported to  
 13 the GOC, fitness to practice, and is under investigation  
 14 for dishonesty. So he talks all about that first, and  
 15 I am thinking, "Why is he talking about the GOC? What's  
 16 the GOC got to do with this situation?" And then he  
 17 goes into the long statement by Noel Whittaker.  
 18 Now, put the two and two together, I'm the  
 19 professional one, the ophthalmic optician, the whole  
 20 allegations of 7 March are the allegations against John,  
 21 none of my own, and then he calls me first, summons me  
 22 first to this meeting with him. Why me? He knew  
 23 exactly that John could answer every single one of those  
 24 explanations, and yet he knew that I couldn't, because  
 25 he knew I was the ophthalmic director. So that was

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1 clever. And then tries to get me to incriminate John  
 2 and then use the GOC situation so to -- threat so that  
 3 we would resign. Because that's all I cared about is  
 4 the GOC, at that point, because I know we haven't done  
 5 anything wrong.  
 6 Q. Could I take you back to paragraph 138? The point I was  
 7 putting to you is what you yourself say in  
 8 paragraph 138, and you say that it was the shock of  
 9 being ambushed with the statement that caused you to  
 10 faint.  
 11 A. Yeah, because --  
 12 Q. You don't mention anything about the GOC, the discussion  
 13 about the GOC which also took place earlier during the  
 14 meeting, do you?  
 15 A. Because, the reason why I say is that is because that  
 16 statement that Noel Whittaker -- that hearsay statement,  
 17 and Mel McAlindon reads it out, it implicates -- is  
 18 implicating me as privy to the arrangements, and so  
 19 therefore that's dishonest because then Mel McAlindon  
 20 knows that that is breaching the suspension. So  
 21 breaching the suspension is a dishonest thing. So he  
 22 knows the dishonest connection with the GOC for me is  
 23 like, that's it, he is going to report me to the GOC.  
 24 That's my livelihood. That's everything to me.  
 25 I can't --

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1 Q. You are not mentioning the GOC as being an issue as to  
 2 what caused you to faint at this point at all in  
 3 paragraph 138?  
 4 A. I don't need to, because we have got the audio, the  
 5 audio says it all. The GOC is the -- if they really  
 6 cared about this whole situation and were genuine, why  
 7 did Mel McAlindon not get my husband in the room first?  
 8 This whole thing was an hour -- an hour -- and me  
 9 and John had lost our jobs over an hour. They had known  
 10 about this for months. If they were genuine, they would  
 11 have just sorted it all out. I mean, this could have  
 12 been done on the phone, like I said, done on the phone.  
 13 It was no big deal, and such petty things, we weren't  
 14 even in to the end of the financial year. We were on  
 15 7 March. The end of the financial year is 5 March, you  
 16 know. The tax return has to go back in January. They  
 17 perfectly well knew they had nothing on us.  
 18 He, using his police tactics, background -- anyway,  
 19 who is he to write to -- talk about taxes? He's no tax  
 20 specialist himself, Mel McAlindon. Who gives him the  
 21 right to ask me those questions?  
 22 Q. Isn't the reality, Mrs Parham, that what caused you to  
 23 faint was being presented with the reality of your and  
 24 your husband's dishonest attempt to interfere with the  
 25 investigation in relation to this Blu-Ray player?

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1 A. No, it was the fact that Noel had lied in his statement  
 2 and, you know, the implications that meant that I had  
 3 breached suspension. And I didn't, because Noel came to  
 4 my house. And as I said, he is a tenant, and also I am  
 5 a shareholder, I am a director. I was suspended on an  
 6 employee level letter, not as a shareholder, so  
 7 Mel McAlindon knew that I hadn't breached the  
 8 suspension, and therefore used it for that dishonesty  
 9 element to get me, my mind -- well, I did, I faint,  
 10 because of the shock, the whole ambush. It's  
 11 ridiculous.

12 MR POTTS: My Lord, I am about to move to another point.  
 13 I wonder whether this might be an appropriate point for  
 14 the shorthand writers?

15 MR JUSTICE HILDYARD: Yes. Twenty-five past.  
 16 (3.15 pm)

(A short break)

18 (3.25 pm)

19 MR POTTS: Mrs Parham, I want it to ask you now a few  
 20 questions about the processing of business expenses.  
 21 You had been working in Specsavers since 1999;  
 22 correct?

23 A. Correct.

24 Q. And had been JVP at two stores?

25 A. Hammersmith and Uckfield, yes.

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1 Q. Yes. Sole JVP for almost three years at Uckfield;  
 2 correct?

3 A. Sorry?

4 Q. Sole JVP at Uckfield for three years before your husband  
 5 joined as a JVP?

6 A. That's correct, yes.

7 Q. And the Hammersmith store didn't involve your husband  
 8 either?

9 A. No.

10 Q. You understood the procedures for authorising expenses  
 11 and submitting invoices for payment?

12 A. No.

13 Q. Not at all?

14 A. Because Rita Francis, the retail manager, dealt with all  
 15 the administration.

16 Q. I see.

17 A. The only thing I dealt with was our personal credit card  
 18 expenditure, which wasn't the eBis system at the time,  
 19 it was a manual form.

20 Q. Let's talk about credit cards, then.

21 Your husband's evidence was you would go through the  
 22 statements together and mark up what was personal and  
 23 what was business expenses; is that right?

24 A. No, what he would do is print out, because I am not IT  
 25 savvy, print out my expenditure and I would tick what

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1 was business, because all the rest -- well, to be honest  
 2 with you, 95 per cent of my credit card expenditure was  
 3 personal.

4 Q. So this was only in relation to your items, is that  
 5 right, not his?

6 A. No, the majority of the -- yeah, majority of the time  
 7 they were mine, my --

8 Q. But you went through everything that had been done on  
 9 the credit cards together; correct?

10 A. On mine. I would check my credit card -- my statements.

11 Q. So you would be just approving your own. Are you saying  
 12 you never looked at what he had been spending on the  
 13 credit card?

14 A. No. No.

15 Q. No?

16 A. No.

17 Q. Didn't you appreciate that the requirement under the  
 18 policy was for you to look at each others'?

19 A. Yes, but as I said, I'm not IT savvy, so he would print  
 20 out mine, I would check them, give them back to John,  
 21 give him the authorisation of my code to go into the  
 22 computer and put -- do the necessary thing. We were  
 23 husband and wife. There was no need for me, you know,  
 24 to do it separately. Check each others' code.

25 Q. Are you saying that you had no idea what he was

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1 spending, you only saw and approved what you were  
 2 spending?

3 A. Correct.

4 Q. He says that you would go through the statements  
 5 together and mark up what was personal and what was  
 6 business?

7 A. I only marked up what was business, because everything  
 8 automatically goes into personal.

9 Q. You appreciated the importance of ascertaining what was  
 10 business and what was personal on the credit cards;  
 11 correct?

12 A. With the, my Lord, with the authorisation thing, the  
 13 eBis system is mandatory to the employees, and I respect  
 14 that I am an employee of Uckfield, but the shareholders'  
 15 agreement overrules the manual on the eBis system, that  
 16 system. So therefore, as a shareholder I wasn't obliged  
 17 to stick to those rules.

18 So as far as I was concerned, we are husband and  
 19 wife anyway. For him to use my code, as far as I would  
 20 see, we were husband and wife, there was no necessity  
 21 for me to overcheck his or him to overcheck mine.

22 Q. Let's deal with yours to start with.

23 You appreciated that it was important to separate  
 24 out personal items from business items in relation to  
 25 your use of the credit card; correct?

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1 A. Yes, yes.  
 2 Q. And you appreciated that that was important for your own  
 3 tax position?  
 4 A. Yes.  
 5 Q. And it was important for Specsavers because they needed  
 6 to understand what you were saying were business items;  
 7 correct?  
 8 A. Yes.  
 9 Q. And it was only the personal items of yours that would  
 10 go on to your P11D, and that you would be subject to  
 11 tax on?  
 12 A. Yes.  
 13 Q. You appreciated that?  
 14 A. Yes.  
 15 Q. You also appreciated that properly calculating the  
 16 expenses and allocating them properly was important for  
 17 your accounting as well?  
 18 A. Absolutely, yes.  
 19 Q. And you also appreciated that your bonus and dividends  
 20 were based on the profits as shown in those accounts,  
 21 and therefore it was important for you to provide  
 22 accurate information to Specsavers?  
 23 A. And also other benefits, you know, like my husband said.  
 24 Partner briefs would come along, tax bulletins  
 25 showing -- like Derek Dyson has that letter with me,

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1 look at the bigger picture, not getting my salary  
 2 increase, look at the bigger picture of the profits, and  
 3 then on the back of that we get partners' briefs, 2005  
 4 and 2008. Like my husband said, you can have golf  
 5 membership, cars, et cetera.  
 6 Yes, they are personal benefits that you can get  
 7 through your profits, and we accepted that. The bigger  
 8 picture that Derek Dyson was telling us to look at,  
 9 which is what we are there for, you know, so I agree  
 10 with that, it's not just bonus and dividends. They  
 11 advocate what the benefits are that we can achieve. We  
 12 can only go by their advice. So there was no need for  
 13 me or John to worry about, you know -- we only do what  
 14 we were told on the advice from Specsavers.  
 15 If Specsavers had genuinely -- if Specsavers said,  
 16 "Look, you can't do that", then don't advertise it,  
 17 don't put it in the tax bulletin. That's what I say.  
 18 Keep it that we can only get bonus and dividends.  
 19 Q. But you went through, you are saying, your own matters.  
 20 Did you see the receipts as a whole, the credit card  
 21 statements as a whole?  
 22 A. Of my own?  
 23 Q. There was a large credit card statement. Are you saying  
 24 you never saw the credit card statement for the card  
 25 itself?

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1 A. No, I saw my own -- to be honest with you, most, the  
 2 majority of mine were personal anyway, so there would be  
 3 only a few business items. But yeah, I only saw my own.  
 4 Q. The only way you would be able to see which were your  
 5 own was you went through them with your husband, didn't  
 6 you? You actually had to go through and work out,  
 7 firstly, what you'd spent and what he'd spent, didn't  
 8 you?  
 9 A. No. What I would do, as I said, most of mine were  
 10 personal anyway, but if there was one or two items, in  
 11 fact, I can't -- you know, if there were one or two  
 12 items that was business, I would tick what was business  
 13 and the rest John would do and input it.  
 14 There is only a few times he's had to print them  
 15 out, but otherwise -- because most of the time John  
 16 would do all the business transactions anyway on eBis.  
 17 Q. Okay. Let me deal with the issue of -- you used to pay  
 18 Specsavers £325 to complete yourself assessment tax  
 19 return; correct?  
 20 A. Since --  
 21 Q. Up until 2009?  
 22 A. 2 January -- yeah. January 1999, when I started with  
 23 Specsavers, I used Specsavers as my personal tax agents  
 24 all the way through, and it was Specsavers that stopped  
 25 the service, my Lord, not us.

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1 So I would have carried them all the way through.  
 2 They stopped that service. So then 2010 was the only  
 3 year that we had to get our own personal tax accountant.  
 4 But the shareholders' agreement says that the business  
 5 tax has to be done by Specsavers. So as far as I am  
 6 concerned, these business items that Specsavers are  
 7 telling us, or allegations of personal use being  
 8 misrepresented, they should have picked any  
 9 discrepancies or any problems or any failings and  
 10 ringing us for.  
 11 So it wasn't the personal side, it was the business  
 12 side that had the issue with those items. So they  
 13 could -- like the flights to Spain, John had put it as  
 14 business. They are the business tax agents, they could  
 15 have just picked up the phone or not sanctioned it.  
 16 They were too busy or whatever. They always used to --  
 17 they have to check everything. They are the business  
 18 tax agents, as far as I am concerned. They would have  
 19 to check every single thing that went through. They  
 20 always have done.  
 21 In fact, it's incredible, sitting here talking about  
 22 it. Since being an employee with Specsavers, so that's  
 23 a whole 12 years, there was never an issue. The only  
 24 year there was an issue, suddenly, the tax avoidance,  
 25 was the year they were no longer my personal tax agents.

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1 I found that incredible, you know. If I wanted to tax  
2 avoid, and because the personal tax service was  
3 an option, it wasn't compulsory, I would get my own tax  
4 agent, not Specsavers. I signed up to everything that  
5 Specsavers had.

6 So -- and you can quite see that we are not tax  
7 experts at all. I covered my -- we covered our backs  
8 for anything, you know, there was a safety blanket.  
9 That's what Specsavers were there for. In fact, that's  
10 what the JVP is all about. We wanted to make sure that  
11 everything was covered.

12 Q. Mrs Parham, I hesitate to interrupt you --

13 A. It's a conflict of interest, then, Mr Potts.

14 Q. Mrs Parham, I hesitate to interrupt you again, but it  
15 was a very short question and I'm conscious of the time.  
16 But I don't want to interrupt you, but I would ask you,  
17 please, to at least focus on my questions, please.

18 Could I take you to E1, page 011? It's not 11, it's  
19 011; there is a zero first. This is the letter that you  
20 signed in relation to dealing, appointing them to  
21 prepare your personal tax assessment tax return;  
22 correct?

23 A. Yes.

24 Q. If you look at 2.1, the service is to prepare your  
25 personal tax return with schedules and so on; yes?

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1 A. Yes.

2 Q. 3.2, in terms of, under a heading dealing with your  
3 responsibilities, do you see (a)? Do you see there  
4 that:

5 "To enable them to carry out their work, you agree  
6 that all returns will be made on the basis of full  
7 disclosure of all sources of income, charges,  
8 allowances ... and providing full information necessary  
9 for dealing with your affairs, and further that they  
10 would rely on information and documents being true,  
11 correct, complete and not misleading, and that they  
12 would not audit the information in those documents."

13 Do you see that?

14 A. Yes.

15 Q. So the point is they were therefore reliant on you  
16 providing the information in relation to your allowances  
17 and sources of income; correct?

18 A. Yeah, as my husband said, as we believed that what was  
19 business was business and what was personal was  
20 personal, and nothing was never misrepresented. It was  
21 our limited tax knowledge. Yes, you can see quite  
22 clearly that that was -- our tax knowledge was weak, but  
23 he never misrepresented it. He genuinely -- it was all  
24 genuine business. And like the home cleaning, it was on  
25 the back of the nursery situation. Outsourcing domestic

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1 chores to give me and my husband more time in the  
2 business was how we saw the home cleaning. Even --  
3 Q. I will ask you about the specifics of that, Mrs Parham.  
4 I am sorry to interrupt. I am trying to ask you about  
5 this document.

6 A. The personal tax service that they gave, as I said, we  
7 have always stuck to. We have given the information  
8 necessary.

9 Q. Right. The information in relation to your personal  
10 benefits provided to you by the company was contained on  
11 your P11D; correct?

12 A. Yes.

13 Q. So, for example, if you bought a TV for yourself on the  
14 credit card and informed Specsavers through eBis that it  
15 was a personal expense, it would appear on your P11D as  
16 a personal expense?

17 A. Yes.

18 Q. And the P11D would go off with your tax return?

19 A. Yes.

20 Q. It would make no difference if it was Specsavers or  
21 somebody else filling in your tax return, it depends on  
22 what appears on the P11D; correct?

23 A. Say that question again, sorry?

24 Q. The P11D, it doesn't matter if it's somebody else, is  
25 what sets out your personal expenses from Specsavers, in

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1 terms of credit cards?

2 A. Yes.

3 Q. You appreciate, therefore, that the accuracy of the P11D  
4 depends on the information that you provide Specsavers  
5 in relation to P11D items; correct?

6 A. Yes.

7 Q. So if you improperly submit, for example, the personal  
8 expense as a business expense, that would mean it didn't  
9 go on to your P11D and it wouldn't be declared for tax?

10 A. As I said, my Lord, it wasn't improper, it wasn't  
11 misrepresented. That's genuinely how we believed at the  
12 time. And they are our business tax agents. Forget  
13 about the personal, the business agents. As far as I am  
14 concerned, they are business. So they are more tax  
15 experts than we are. Business: they have to check that  
16 receipt themselves, and any credit card by the eBis  
17 system needs a receipt with it. And as Jacquie Mancini  
18 says in her witness statement in the employment  
19 tribunal, if there is a conflicting code, they adjust  
20 that code.

21 So if something's obvious like a home cleaner and we  
22 put it down as services provided to the store, then they  
23 can either pick up the phone and question that, or just  
24 change the code. The home cleaner for her would have  
25 gone straight to a personal, and then if that's -- it's

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1 quite clear to us, it said "Myhome", that would have  
 2 been picked up.  
 3 Q. I am just dealing with credit cards at this stage,  
 4 Mrs Parham.  
 5 Can I ask you to turn on to page 50 to see the  
 6 context? Pages 50 to 52 is the P11 return.  
 7 A. Sorry?  
 8 Q. Pages 50 to 52. In fact, it's actually your husband's  
 9 P11, but you will have had one similar, just as  
 10 an example.  
 11 A. Oh yeah.  
 12 Q. That's an example of P11Ds. You saw those, didn't you,  
 13 for yourself?  
 14 A. Well, what I'd do, Mr Potts, when I used to see this,  
 15 I just automatically didn't even really check them,  
 16 I just paid it. I trusted Specsavers implicitly, so  
 17 whenever I got something like this --  
 18 Q. The credit card items here were based on the returns  
 19 that you had put through to Specsavers in relation to  
 20 monthly credit card statements; correct?  
 21 You had gone through your monthly credit card  
 22 statements and said business or personal. If it was  
 23 business it wouldn't go on to the P11D, and if it was  
 24 personal it would; correct?  
 25 A. That's right, yes.

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1 Q. So the P11D was dependent upon the information that you  
 2 provided when you went through your credit card  
 3 statements; correct?  
 4 A. Yes.  
 5 Q. Now, quite apart from issues in relation to your own  
 6 personal tax, if personal expenses were put through as  
 7 business expenses, that would also mean that the  
 8 company's tax returns in terms of the company's tax  
 9 would be incorrect as well; correct?  
 10 A. But nothing was misrepresented, like I said. You just  
 11 said personal into business. We misrepresented nothing.  
 12 You know, at the end of the day --  
 13 Q. I am saying if.  
 14 A. If, yes.  
 15 Q. I'm not -- "if", yes.  
 16 A. And the company point of view, yes.  
 17 Q. And also that the accounts of the company, which you as  
 18 a director had responsibility for, would also be  
 19 inaccurate; you understood that as well?  
 20 A. Yeah, I understood that. But all of this could have  
 21 been remedied.  
 22 At the end of the day, my Lord, this is, you know,  
 23 even the HMRC I see in late disclosures by Specsavers,  
 24 after -- in November, they reported us to the HMRC, and  
 25 even the HMRC agree with us that it could have been

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1 adjusted on a company level. They were seeking to  
 2 report -- or they have, they have reported Bognor and  
 3 Uckfield, so that HMRC would personally come after me  
 4 for tax. And actually, the HMRC wrote back and said,  
 5 "No, it's not done that way. You should have followed  
 6 the tax manual yourself properly. You know the  
 7 guidelines, you just disallow it on the corporation tax,  
 8 put it back on the corporation tax and reduce their  
 9 distributional profits." Because at the end of the day,  
 10 how me and my husband saw it, the profits were  
 11 100 per cent ours anyway.  
 12 The whole thing was ridiculous. It was a month, as  
 13 I said, before the tax return. We paid everything, me  
 14 and my husband, for that personal tax return of 2010,  
 15 my Lord, which is what is on dispute here, has been  
 16 paid, even the Fluffy Side Up, even the flowers, even  
 17 the cleaner. What we are talking about here has all  
 18 been paid up anyway, because I did not want to risk  
 19 anything, because I knew how malice Specsavers would be,  
 20 me and my husband going through the High Court route,  
 21 because they did report us in the year 2013 to the HMRC,  
 22 and reported me to the GOC in March 2013 and failed to  
 23 even tell the GOC the truth.  
 24 They also, when they reported me to the GOC,  
 25 my Lord, they didn't give the GOC the full facts --

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1 Q. Mrs Parham, I'm -- sorry?  
 2 A. No, I need to tell my Lord this. Because this is my  
 3 career, this is my reputation here.  
 4 Q. Mrs Parham, I would appreciate it if you could answer my  
 5 questions, please.  
 6 A. Well, I am going to finish off to my Lord.  
 7 The GOC report that Specsavers reported me to the  
 8 GOC, only gave half the facts, told the GOC in  
 9 March 2013 that I was dishonest, I was fraudulent, and  
 10 did not tell them that I was going through a High Court  
 11 litigation, and did not tell them that I had worked in  
 12 that two-year period 208 days with them. So they failed  
 13 to give the full facts. That's disgusting. It's  
 14 disgusting. This is why they used the GOC --  
 15 MR JUSTICE HILDYARD: Mrs Parham, we have chatted about this  
 16 before. However hurt you feel, in order for this  
 17 process to be completed properly, you must try and  
 18 confine your answers.  
 19 A. Yes.  
 20 MR JUSTICE HILDYARD: I know there are a lot of things that  
 21 you wish --  
 22 A. I know.  
 23 MR JUSTICE HILDYARD: -- to ensure that I understand --  
 24 A. Well, I've got an investigation --  
 25 MR JUSTICE HILDYARD: But you have given your evidence, and

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1 you are now being cross-examined on the evidence that  
2 you have given. I have allowed you quite a lot of  
3 latitude in this because this is a matter of  
4 considerable personal anxiety, for obvious reasons.  
5 However, we do have now, after three answers which have  
6 been very extended, to try and focus on the question and  
7 to answer that and confine your answer to the question  
8 asked. Otherwise we will be here for a very long time.  
9 A. Sorry, my Lord.  
10 MR STUART: My Lord, I can assist as well. I am not sure  
11 Mrs Parham quite understands that just because she has  
12 not said something during the course of  
13 cross-examination that it's not going to be taken into  
14 account by your Lordship, whereas I know that  
15 your Lordship will be taking into account all of the  
16 contents of the witness statements, even those bits that  
17 you have not been cross-examined on. In fact,  
18 especially those bits you have not been cross-examined  
19 about.  
20 Therefore, you don't need to say anything about  
21 matters which are already in your statement and Mr Potts  
22 is not asking you about.  
23 I don't know whether that helps, my Lord.  
24 MR JUSTICE HILDYARD: Yes, thank you.  
25 MR POTTS: Now, to go back to where we were, the P11D, you

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1 appreciated in fact -- you referred to the Revenue. In  
2 fact, the Revenue indicated that they would be applying  
3 penalties and interest in relation to the company; you  
4 appreciate that at least, don't you?  
5 In relation to the later discussions which you  
6 referred to somewhere in your answer with the Revenue in  
7 relation to what had been going on you appreciate -- I  
8 know there may be issues over the precise amounts of  
9 calculations, but you do appreciate that the Revenue  
10 have indicated they intend to apply penalties and  
11 interest in relation to the company's tax filings;  
12 correct?  
13 A. Well, we had independent auditors for the company that  
14 Specsavers organised, so --  
15 Q. That's not the question I asked. I'll try it one more  
16 time.  
17 You understand, you referred to correspondence with  
18 the Revenue. You appreciate the Revenue have in fact  
19 indicated they intend to apply penalties and interest  
20 against the company in relation to its tax files?  
21 A. If I was dishonest and fraudulent. If they found I was  
22 dishonest and fraudulent.  
23 Q. Also you appreciated that the P11D system, you see at  
24 page 50, talks about not covered by a dispensation. You  
25 appreciated that Specsavers in fact had a dispensation

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1 in relation to the way P11D items were dealt with,  
2 didn't you?  
3 A. Yes.  
4 Q. So you appreciated that it was important that the P11D  
5 system was operated by you honestly and accurately in  
6 order for that dispensation, which was of interest to  
7 the group as a whole; do you appreciate that?  
8 A. Yes.  
9 Q. Right, let us move on.  
10 Let's move to another use of the credit card. On  
11 27 March your husband used the credit card to pay for  
12 flights to Spain. Can I ask you to turn up, please, H,  
13 page 170.  
14 A. Yes.  
15 Q. Page 173 is the booking reference confirmation to your  
16 husband that shows both you and your husband recorded as  
17 the passengers.  
18 A. Yes, I see it. But this is the one that, as John says,  
19 he booked this on the internet. This is -- I don't know  
20 why that's got my name on that, but as I said,  
21 I definitely didn't go. So --  
22 Q. Let's break it down.  
23 A. You know, that document there is not an internet booking  
24 document, so I don't know where that -- like John said,  
25 that document's come from. So --

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1 Q. Are you saying that Specsavers have tampered with this  
2 document, that it's come from anywhere other than the  
3 airline?  
4 A. I'm not suggesting -- All I'm suggesting is that is not  
5 an email -- the confirmation of the booking would have  
6 been done by an email. It would not have been done in  
7 that format. So that does not belong to the email  
8 documents of the flight booking.  
9 Q. What I am putting to you is that at the time the booking  
10 was made, your name was inputted as a passenger?  
11 A. As I said, on the email ones, you can see that, like  
12 John says, my name is there, but it's one adult, two  
13 children.  
14 Q. If you look at the itinerary at the bottom of page 170,  
15 the two names entered there are John Parham and  
16 Shakila Parham?  
17 A. Yeah, but like my husband said, if you look at the  
18 costing, where it says one adult, receipt, one adult,  
19 the amount, two children, the amount. Grand total, 341.  
20 Q. So are you saying that at the time that this booking was  
21 made it wasn't envisaged even at that time that you  
22 would travel?  
23 A. That's correct.  
24 Q. Why was your name entered on the booking, then, at all?  
25 A. I was thinking about it. It could be for the baggage.

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1 Q. Why would your name have anything to do with baggage?  
2 A. Well, all I can say is that if they had queries on that,  
3 at the end of the day it's got two children on that  
4 email, so that's been processed. If that's been sent to  
5 Specsavers, they could have picked up the phone and --  
6 Q. I am not asking you about Specsavers. I'm just asking  
7 about the time of making the booking. I'm just trying  
8 to understand the booking which was made by your  
9 husband.  
10 A. Yes, by email.  
11 Q. Which has your name on as a passenger. Are you saying  
12 that at that time you say it was not envisaged that you  
13 would travel?  
14 A. No, I definitely didn't travel.  
15 Q. This wasn't a business trip, was it? It was a trip by  
16 your husband to visit his family accompanied by your  
17 children?  
18 A. That's correct. Like he said on the description, to --  
19 in view of opening up another Specsavers in Spain which,  
20 like my husband said, you have got now seven, eight  
21 stores out there. That's all it was. You know, it  
22 was -- we see ourselves as branches, you know, different  
23 branches, not -- so he just felt that it was a -- he was  
24 allowed as a business trip to do that.  
25 Seeking, like the Hammersmith to the Uckfield

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1 situation, he also felt that, you know, with a view to  
2 looking out, to Spain, to emigrate out there because his  
3 parents live out there --  
4 Q. Did you appreciate that he had put it through the  
5 company credit card?  
6 A. He did put it through the company credit card.  
7 Q. I ask you: did you appreciate it? Did you know that he  
8 had done that?  
9 A. No, actually I didn't know at that time, because as  
10 I said, he does all his and I do all mine. But I didn't  
11 know at the time.  
12 Q. You must have --  
13 A. I knew that he had gone to that trip, and as I said,  
14 the --  
15 Q. Did you appreciate that he was putting it through the  
16 company?  
17 A. No, I didn't, because as I said, I checked mine, he does  
18 his. So he put it as a business, but I actually, at the  
19 time when he's booked it, you know, as I said, it's not  
20 misrepresented at all. He genuinely felt that was  
21 business --  
22 Q. I am asking you what you understood at the time, not his  
23 explanation now in relation to it.  
24 Are you saying --  
25 A. I only am aware of all of this during the litigation

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1 process and the allegations that you put forward.  
2 Q. You must have appreciated taking your children, getting  
3 the company to pay for your children's flights to Spain  
4 wasn't a business expense?  
5 A. Because I wasn't aware at the time when John does that,  
6 has done that, because, you know, this is not  
7 misrepresented at all. He's put clearly the description  
8 in the eBis system, then it goes to head office, and  
9 then they wait for the receipt. And then when the  
10 receipt's there, Specsavers have to check that, and they  
11 can see it's a business, he has put the description to  
12 Malaga, to Spain. They could have rejected it. They  
13 reject loads of others. You can see in the disclosures,  
14 they reject it. All they had to do was reject it.  
15 Q. This is --  
16 A. They know more than we do.  
17 Q. This is a matter which he has processed, and he's also  
18 used, or your ID code has also been applied to this  
19 claim approving it as well, hasn't it?  
20 A. Yes, like I said, he checks his, and I allow him to have  
21 my authorisation to put in my business expense and  
22 personal expense through the eBis. So yes, he would  
23 have to use it to check, because the eBis system, both  
24 partners need to check each other's.  
25 Q. You thought there was nothing wrong with him entering

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1 your code? As far as Specsavers were concerned, this  
2 would give the impression that he had put through the  
3 claim and that you had checked it and approved it as  
4 being a proper business expense. That's what Specsavers  
5 would have seen. Is that right? Do you appreciate  
6 that?  
7 A. Well, how I saw it is that the eBis system is  
8 a controlled system, so that any problem with putting in  
9 any expense claims that were not a conflict, you know,  
10 a problem with the coding, a business code, at the end  
11 of the day Specsavers are the one who puts the correct  
12 code. They will check everything that all the store  
13 directors put as business. Everything that cannot be  
14 put through business, they are the business tax agents,  
15 they reject them.  
16 The way I understood it was all we did was put the  
17 information, not misrepresented, as how we believed and  
18 understood it, and then anything that you couldn't, they  
19 just rejected it and put it on your P11D.  
20 Q. We are talking about credit card claims here. You knew  
21 that the system worked that a person would make a claim  
22 in relation to what they said had been a business or,  
23 indeed, a personal expense -- certainly a business  
24 expense -- incurred on the credit card; correct?  
25 You also appreciated that once the claim was made,

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1 it was sent to the other JVP to confirm and to authorise  
2 it as being properly for the business; correct? In  
3 relation to credit cards.  
4 A. As I said, we are husband and wife --  
5 Q. Forget the husband and wife for the moment. In terms of  
6 how the system works, you appreciated that, didn't you?  
7 A. Yes.  
8 Q. You appreciated that the reason why credit card claims  
9 by one JVP went to the other JVP for the other JVP to  
10 approve was because that was precisely what was  
11 happening: the other JVP would be approving that what  
12 was said to be for the business was indeed for the  
13 business; correct?  
14 A. Correct.  
15 Q. What you are saying is that you thought it was  
16 appropriate not to operate in that way; is that right?  
17 A. Because at the end of the day 100 per cent of the  
18 profits, distributed profits, were ours anyway. All  
19 I am saying, everything that John put or I put as  
20 business was never misrepresented at all. A full  
21 description has to be put on there. If you don't have  
22 the full description -- clearly, John put down it was  
23 for a view to look at a business in Spain. You,  
24 Specsavers, must have been aware of that because  
25 straightaway they would have -- it's more obvious to me,

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1 that one, because that -- you can't do that. Obviously,  
2 you know, you can't claim a business expense if it is  
3 not -- belongs to your company, relative to your  
4 company. So that was a more obvious one for Specsavers  
5 to reject.  
6 Q. The point I'm making is that as far as Specsavers was  
7 concerned, any claims for expenses made by your husband,  
8 they would see that they had been approved by you,  
9 because your code had been applied to them afterwards;  
10 correct? As far as Specsavers were concerned?  
11 A. Well, as I -- according to the policy, yes. But as  
12 a JVP -- as I say, because we are husband and wife,  
13 I didn't feel that I needed to check all of his, and,  
14 you know, why do all the checking of extra  
15 administration check to him when I am spending the whole  
16 time testing? It was not necessary.  
17 The profits were ours, distributed profits were ours  
18 anyway. John never misrepresented anything, according  
19 to what he believed was correct as a business expense  
20 was what he believed in. We always trusted Specsavers  
21 to reject anything -- we had no problem with them  
22 rejecting. We bought iPods and cameras for the staff  
23 and everything like that. If we got disclosure saying  
24 they got rejected, that's how we saw it. That's how we  
25 saw it. Anything that Specsavers disapproved of, we

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1 didn't ever challenge it. So it was not a problem. So  
2 that's, you know, how it actually worked.  
3 Q. Let's move on to payment of external suppliers. Could  
4 I ask you to turn up E2, please, page 509? This is  
5 a letter from Myhome cleaners to the accounts department  
6 of 11 June 2008. It says:  
7 "Further to our telephone conversation of earlier,  
8 I would like to confirm that after a conversation with  
9 Shakila Parham in Uckfield, she would like you to set up  
10 a standing order to pay us on the first of the month.  
11 I have also faxed over four invoices to be settled by  
12 BACS."  
13 Correct?  
14 A. Correct, this is the owner of Myhome, yes.  
15 Q. You were indirectly instructing the accounts payable  
16 department of Specsavers to set up this standing order  
17 for payment by the company; correct?  
18 A. Correct.  
19 Q. You accept that the store never had a cleaner, in fact?  
20 A. Correct.  
21 Q. What you say in your witness statement, paragraph 242,  
22 is that it should have been obvious to the accounts  
23 payable department that this was domestic cleaning  
24 services because of the name of the company?  
25 A. Correct.

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1 Q. But you were indirectly instructing Specsavers to pay  
2 some invoices and to set up a standing order from  
3 Uckfield, weren't you?  
4 A. Well, for me -- this is how I saw it -- it is a service  
5 in direct benefit to my company. We used the home as  
6 a storage, as I said, John has explained. And for me,  
7 since 2008, because this was back of a partners' brief,  
8 like I've said before, and since 2008 we never used any  
9 locums at the store. I didn't need to -- I felt that  
10 the outsourcing of those domestic chores allowed me more  
11 time in the business, just like the nursery situation in  
12 2003 which Jacquie Mancini set up for me.  
13 I used my belief that this was fine to do, because  
14 I can show the HMRC the direct benefit to that with the  
15 storage, using the house, using the office at home,  
16 interviewing the staff at home, our storage was at home.  
17 So that's how I saw it.  
18 Q. Well --  
19 A. If that got rejected and it went straight to personal,  
20 I would have had to still claim it back as a business  
21 and show that the house, you know, a storage unit for  
22 any average-sized store for us would have been £100  
23 a month. So even if that went back, got rejected and  
24 put it as personal, I would have claimed it back as  
25 a business expense, because to prove that it was used as

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1 storage for the store.  
 2 Q. So in putting this through, are you saying that it was  
 3 your view that this was a business expense?  
 4 A. Yeah, that's how -- absolutely. Again, you know,  
 5 Specsavers could have queried that, because it's  
 6 a conflict code, Myhome. They put it -- you have to put  
 7 it as the store address because you couldn't put your  
 8 personal address, because when Specsavers set up a  
 9 direct debit it's from the company.  
 10 Q. Isn't the reality that, just like your husband, you were  
 11 happy to get the accounts payable department to get  
 12 Uckfield to pay for your home cleaner, and you  
 13 appreciated that it would be treated by them as the  
 14 payment of a third party supplier to the store and not  
 15 as a personal expense; correct?  
 16 A. No.  
 17 Q. You appreciated that if you did that, it wouldn't go on  
 18 to your P11D and it would be treated as a company  
 19 expense, you wouldn't pay tax on it, given the way you  
 20 were representing it to Specsavers; correct?  
 21 A. No. Disagree.  
 22 Q. Now, look at paragraph 245 of your witness statement.  
 23 You say here that in deciding to have your domestic  
 24 cleaning expenses paid through the business, you were  
 25 acting on advice from Specsavers, and you refer to

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1 a partner brief; correct?  
 2 A. Correct.  
 3 Q. Which encouraged you to do this; correct?  
 4 A. Golf membership, car loans --  
 5 Q. We will come on to this in a moment.  
 6 This justification based on this partner brief and  
 7 it being an element of profits, taking of profits from  
 8 the business, isn't one that you referred to in your  
 9 witness statement before the employment tribunal, was  
 10 it? You didn't refer to it then, did you?  
 11 A. Say that again?  
 12 Q. The justification of this partner briefing and that it  
 13 being treated as effectively you taking profits out of  
 14 the business is not one that you gave to the employment  
 15 tribunal in your case at that time; is that right? It  
 16 appears for the first time in this witness statement?  
 17 A. Well, that's because we have got more extensive  
 18 disclosures, because at the time of the employment  
 19 tribunal, as I said before, we didn't get all the  
 20 information like we are through the High Court system.  
 21 So --  
 22 Q. The explanation you gave to the ET at the time was that  
 23 you viewed this as a --  
 24 A. I am not going to give an explanation from the ET. You  
 25 are talking about the transcript.

202

1 Q. The one you gave, you considered this was the point  
 2 about your home being an extension of the store.  
 3 A. It is.  
 4 Q. That was the explanation you gave to the ET; correct?  
 5 You accept that?  
 6 A. Absolutely.  
 7 Q. Could we just have a look at the memo, which is at E1,  
 8 page 95? Yes? That's the document you are referring  
 9 to, isn't it? (Pause)  
 10 It's the one you refer to at paragraph 245 of your  
 11 witness statement. It's a briefing of May 2008.  
 12 A. Yes.  
 13 Q. Yes?  
 14 A. Yes.  
 15 Q. That refers at paragraph 1 to several ways in which the  
 16 company may distribute its profits to the shareholders.  
 17 Correct?  
 18 A. Yes.  
 19 Q. Then at the end of the memo it talks about other  
 20 options, page 96. Other ways of distributing profits.  
 21 A. Yes.  
 22 Q. It talks about benefits:  
 23 "Profits can also be distributed as benefits such as  
 24 a new car, school fees, golf club membership."  
 25 A. Yes.

203

1 Q. It doesn't say anything about getting the store, putting  
 2 in invoices to the accounts department to pay your home  
 3 cleaner, does it?  
 4 A. No, but like I said, we are allowed -- sorry, how --  
 5 these are benefits. We can show the home cleaning was  
 6 a benefit. It is a benefit to the store company. It is  
 7 a business expense, like I said. So that's how we  
 8 believe we can claim it.  
 9 Even if it got all rejected and, as I said, it  
 10 became a personal, we would still be claiming it back as  
 11 storage. If it was labelled wrong, or ... I am not  
 12 explaining myself very well at all. I am not explaining  
 13 myself well at all. The home cleaning was how we saw  
 14 our house as an extension of the store, like I said. So  
 15 when this company went to administration and Florian  
 16 Home Services took over, as John clearly put on his  
 17 label, "services provided to the store", so --  
 18 Q. No, no, let us break this down. I am talking about  
 19 Myhome at this stage, and I am asking you questions --  
 20 A. It's from the back of that.  
 21 Q. This document, you are saying that the idea of home as  
 22 an extension of the business, you are saying that's  
 23 a business expense; correct?  
 24 A. Yes.  
 25 Q. This document isn't talking about business expenses, is

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1 it? It's talking about ways that you could choose to  
 2 take profits, such as the payment of your children's  
 3 school fees. Payment of your children's school fees  
 4 isn't a business expense, is it?  
 5 A. No, then why did my nursery fees for my two children get  
 6 set up in 2003?  
 7 Q. As you are well aware, there is a tax approved scheme in  
 8 relation to nursery vouchers, aren't you, which is  
 9 entirely separate?  
 10 A. Well, I wasn't aware of that at all, Mr Potts, actually.  
 11 So I looked at it as those two similar -- outsourcing my  
 12 domestic chores gives me more time for me and my husband  
 13 to be at the business. So I wasn't aware of that.  
 14 I left it to Specsavers to work out the relevant  
 15 ways of dealing with the relevant tax situation to set  
 16 that up anyway. So I actually looked at it as the back  
 17 of the nursery situation.  
 18 Q. The business expenses idea is ones that you would not  
 19 pay tax on those, they would not hit your P11D; correct?  
 20 A. Correct.  
 21 Q. And you would not pay income tax on those?  
 22 A. Correct.  
 23 Q. What this is talking about is taking profits, and it  
 24 makes clear, in relation to these benefits under this  
 25 suggestion, that they would be subject to income tax and

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1 National Insurance and so are quite expensive. Do you  
 2 see that from the bottom of page 96?  
 3 A. Yes, I do, yes.  
 4 Q. So you appreciate that this is talking about something  
 5 quite different?  
 6 A. Yeah, because that's talking about the personal  
 7 benefits. As I said, the business benefits were  
 8 a direct benefit to the business, because it was  
 9 outsourcing our domestic chores to allow me and John to  
 10 be in the business. And as I said before, how I saw it  
 11 was it gives us more time to create sales. We can  
 12 actually prove that because having no locums at the  
 13 store, I was saving the business £1,000 a month just  
 14 doing the extra cover.  
 15 Say, for instance, Ruhela Choudhury, my employed  
 16 optician, she would have to have four weeks off during  
 17 the year, so I would do -- that's -- her salary was  
 18 40,000, so that's like £3,000 I've saved the business by  
 19 not getting locum work, because I would do her cover,  
 20 and directors are not allowed overtime payment.  
 21 So I thought -- saw it as I am saving my business  
 22 money each time not getting locums and doing it myself.  
 23 Q. You would have appreciated and seen from --  
 24 A. And I would prove that to the HMRC.  
 25 Q. You would have seen from your income tax returns and

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1 your P11D statements for 2008 and 2009 that your home  
 2 cleaner didn't appear as a personal expense or a benefit  
 3 in kind; correct?  
 4 A. Yes.  
 5 Q. So you would have appreciated that Specsavers understood  
 6 that this was, based on what you had said and how you  
 7 had processed this, a business expense, and for that  
 8 reason you weren't paying personal tax on that?  
 9 A. No, as I said, not at all, because when this gets set up  
 10 it says "Myhome". So as I said, it is, you know, if  
 11 ever there was any doubt, Specsavers could have just --  
 12 because they are the ones who have to set it up. We  
 13 can't set up those payments, because Specsavers own our  
 14 bank account. We only -- we don't have a bank account.  
 15 Specsavers in head office would have had to set that up.  
 16 If there was any query, and quite easily the Myhome,  
 17 they would have to just pick up the phone and I could  
 18 explain that. That's what they had to do. So you are  
 19 saying to me that I, you know, had no involvement in  
 20 setting up that standing order; they do, but it's my  
 21 fault.  
 22 Q. You did have some involvement, you instructed, albeit  
 23 indirectly, Specsavers to set up that standing order for  
 24 the company to pay invoices on a regular basis?  
 25 A. Well, they get -- they have got that letter from

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1 Lisa Brown, they can actually see what that says. They  
 2 can actually see. That's their job. They are the  
 3 business tax agents, so they can say, "What is that  
 4 about?"  
 5 Q. All that you were doing was telling the accounts  
 6 department to set up a standing order for the company to  
 7 pay for a cleaner. That's all they would have  
 8 understood; isn't that right?  
 9 A. No.  
 10 Q. And also it had nothing to do with the idea of benefits,  
 11 as referred to in this memo. If you wanted to get the  
 12 payment of a bonus or dividend, which is what this memo  
 13 is talking about, you appreciated that that was  
 14 referable to the distributions, the distributions  
 15 department and your bottom line report; you accept that,  
 16 don't you?  
 17 A. Yes.  
 18 Q. You accepted that if you wanted to get some kind of  
 19 distribution you had to put in a request to the  
 20 distribution and investment team?  
 21 A. But also, as I said, you can get not just a bonus or  
 22 a dividend, you can have other benefits.  
 23 Q. And paragraph 7, if you look at page 97, in relation to  
 24 this idea of the distribution route, it says:  
 25 "How can the financial planning team help me to

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1 decide how to extract profits? They are here to  
 2 help ... use their wide experience."  
 3 That's not the accounts payable team, is it, it's  
 4 a completely different department?  
 5 A. Well, repeat that question. The pensions?  
 6 Q. No, not pensions. The financial planning team is the  
 7 distribution and investment team. It's not the accounts  
 8 payable team to whom you sent these invoices, is it?  
 9 A. Well, you have to ask John that because he dealt with  
 10 all the administration side.  
 11 Q. The point is that you appreciated that if you were  
 12 looking at ways of taking dividends, you had to speak to  
 13 the financial planning team, that's what this document  
 14 says; correct?  
 15 A. Correct, and, as I said, John would do that.  
 16 Q. You appreciated, as reference to your letter, that you  
 17 were requesting the accounts payable team, a completely  
 18 different department who deals with paying third party  
 19 suppliers to the company, to set up the standing order;  
 20 correct?  
 21 A. Well, the accounts team, as I understood it, was in  
 22 Nottingham. They moved into Nottingham. It is  
 23 different to the distribution team, but the accounts  
 24 team, how I saw it, dealt with all our invoices and the  
 25 tax side of it.

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1 Q. Isn't the reality this explanation about this being  
 2 referred to the memo which appears for the first time in  
 3 your witness statement, this is just another recent  
 4 attempt to justify your conduct and it's not what you  
 5 had regard to at the time?  
 6 A. Disagree.  
 7 Q. You also knew that your husband had set up a standing  
 8 order in relation to Kathy Lewis, didn't you?  
 9 A. Yes.  
 10 Q. Trading as Florian in February 2010?  
 11 A. Yes.  
 12 Q. If you turn over, H/204. (Pause)  
 13 A. Yeah, as I said, this one we had never seen.  
 14 Q. No, but you had discussed the idea of setting this up  
 15 and setting up the standing order with your husband  
 16 before he did it, didn't you?  
 17 A. Sorry, say that again?  
 18 Q. I think you say you accepted that you discussed with  
 19 your husband the idea of setting up a standing order --  
 20 A. My husband dealt with that, I didn't. He's arranged  
 21 that set-up, the standing order.  
 22 Q. You knew that the company was paying these invoices,  
 23 didn't you?  
 24 A. Correct.  
 25 Q. You knew that that was by standing order?

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1 A. Yes.  
 2 Q. You also, I think, accept that that was on the basis  
 3 that you had had a discussion with your husband about,  
 4 I think, Myhome had ceased trading?  
 5 A. Yes.  
 6 Q. And you had discussed doing the same thing in relation  
 7 to Kathy Lewis?  
 8 A. Correct.  
 9 Q. Do you accept that looking at 204 the description of  
 10 setting up a direct debit to the company "for cleaning  
 11 services provided to the store" is misleading?  
 12 A. No, not at all. It's services provided to the store, it  
 13 didn't say "at the store", it didn't say "at the store".  
 14 It said "services provided to the store".  
 15 Q. You think that that makes it clear, do you, to the  
 16 accounts department?  
 17 A. They can always pick up the phone and ask.  
 18 Q. That's not what I asked you. I am asking you --  
 19 A. I think it's quite clear.  
 20 Q. You think from that, the different slightly -- that  
 21 nuanced use of wording, you think it's clear that it's  
 22 therefore not actually for the store cleaner; is that  
 23 right?  
 24 A. Say the question again, please?  
 25 Q. Are you saying that from the slightly nuanced wording,

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1 that difference in wording that you've referred to, you  
 2 are saying that that means it's quite clear that this is  
 3 not for the store cleaner, but in fact for your home  
 4 cleaner?  
 5 A. I didn't really understand the question.  
 6 Q. I am putting to you that that description about, which  
 7 is a request to set up a direct debit, for the company  
 8 to pay for cleaning services provided to the store, is  
 9 misleading and --  
 10 A. It's not misleading.  
 11 Q. Do you accept that when shown this document during your  
 12 cross-examination in the ET proceedings you accepted at  
 13 that point that the description was misleading?  
 14 A. No.  
 15 Q. Can I take you to G, please, page 175? These are the  
 16 typed-up manuscript notes of Specsavers --  
 17 A. I am not going --  
 18 Q. Fine, I understand. In terms of -- I am just going  
 19 to --  
 20 A. I don't accept it, because like you said, it's your  
 21 in-house solicitors, and that, so -- and that was given  
 22 the late disclosure as well in November.  
 23 Q. I am not sure I accept that anyway. In terms of this  
 24 document, 175, page 684 is the document we have just  
 25 been looking at, okay? It's recorded that you were

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1 asked whether you had:  
2 "... discuss with JP getting store to pay for your  
3 home cleaner?  
4 "Answer: Yes. I told him that due to indirect  
5 benefit of me testing at store."  
6 Do you accept saying that?  
7 A. No. Sorry, these are your -- these notes --  
8 Q. Yes, I am asking you whether you accept that you said  
9 that in cross-examination at the time?  
10 A. I am not going to comment on any of these --  
11 Q. Well, I am asking you. You gave evidence at the ET  
12 hearing.  
13 A. Yes, but these are not accepted notes. These are not  
14 agreed notes.  
15 Q. It doesn't matter. I am asking you, Mrs Parham, you  
16 gave evidence in front of the ET; correct? You were  
17 subject to cross-examination?  
18 A. Yes.  
19 Q. I am putting it to you that you were asked whether you  
20 discussed, in relation to this document, whether you  
21 discussed with your husband getting the store to pay for  
22 your home cleaner, and I am putting to you that you  
23 answered at that time:  
24 "Yes. I told him that due to [this being] indirect  
25 benefit of me testing at store."

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1 Are you saying that you didn't say those things in  
2 front of the ET?  
3 A. How -- the home cleaning is an indirect benefit to the  
4 store --  
5 Q. Can you focus again, please, on the question? I am  
6 asking you: do you accept that in evidence before the ET  
7 you accepted that you had discussed getting the store to  
8 pay for your home cleaner, and you said:  
9 "Yes. I told him that due to indirect benefit of me  
10 testing at store."  
11 Do you accept that you said that before the ET?  
12 A. I can't remember.  
13 Q. You can't remember. Are you saying you didn't, or are  
14 you saying you don't know one way or the other?  
15 A. To be honest with you, I can't remember. But it's  
16 everything, it's not even -- as I said, it's a service  
17 provided to the store for storage, interviewing, the  
18 home office and --  
19 Q. I am not asking you about the explanation now. I am  
20 asking you about what you said to the ET.  
21 A. I can't remember.  
22 Q. You were under oath at that time, weren't you?  
23 A. Yes, absolutely.  
24 Q. So you don't remember. Going on below that:  
25 "JP didn't put the explanation on 684", and it was

214

1 asked:  
2 "Do you accept that" --  
3 A. Which one are you on, sorry?  
4 Q. Just at the second holepunch, asked about the same  
5 document:  
6 "Do you accept that page 684 is a misleading  
7 document when it said 'cleaner for the store?'"  
8 Do you accept that you said yes at that point? Do  
9 you accept it?  
10 A. We're still going by these handwritten notes --  
11 Q. I am asking you what you said.  
12 A. I'm not going to comment on them.  
13 Q. Are you saying you didn't say that?  
14 A. I'm not going to --  
15 Q. No, Mrs Parham. I am asking you about the evidence you  
16 gave to the ET, and I am asking you --  
17 A. Yeah, that's two years ago and this is your transcript  
18 notes, so how do I know they're right. I don't even  
19 know. Remember, these are not audio ones.  
20 Q. So you are saying you don't remember?  
21 A. Yeah, absolutely. You know, this is not audio  
22 transcript, this was two years ago. I can't remember.  
23 Like my husband said, that was a very stressful,  
24 traumatic time because -- we didn't get the full  
25 extensive disclosures at all in that, and you fabricated

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1 my payslips and that. You know, I can't even, you  
2 know ... remember.  
3 Q. Are you saying you didn't say it or you just don't  
4 remember?  
5 A. I just don't remember.  
6 Discussion re timetable  
7 MR POTTS: My Lord, I am about to move on to another matter.  
8 I am not going to finish in the next five minutes,  
9 my Lord. I don't know what your Lordship would ...  
10 MR JUSTICE HILDYARD: How long would it take you to finish,  
11 do you think?  
12 MR POTTS: I have a little more to do, my Lord. It's more  
13 than 15 minutes.  
14 MR JUSTICE HILDYARD: Right. So we must continue with this  
15 witness tomorrow.  
16 MR POTTS: My Lord, yes. I am afraid it's taken a little  
17 longer than I anticipated.  
18 MR JUSTICE HILDYARD: Any estimate as to re-examination  
19 at present?  
20 MR STUART: My Lord, a little longer than Mr Parham, where  
21 I had four minutes, but certainly no more than  
22 20 minutes.  
23 MR JUSTICE HILDYARD: Right.  
24 Mrs Parham, you know the rules, you mustn't discuss  
25 this with your husband or anybody else whilst you are in

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1 the witness box.  
 2 MR POTTS: My Lord, I wonder just in terms of other matters  
 3 for tomorrow in terms of other witnesses in terms of  
 4 where we are going after this.  
 5 MR JUSTICE HILDYARD: Yes.  
 6 MR POTTS: I don't know what my friend's position is on the  
 7 Italian job, if I can call it that.  
 8 MR JUSTICE HILDYARD: Right.  
 9 MR STUART: Yes. My Lord, the position is that we have had  
 10 great difficulties getting into contact with  
 11 Mrs Lofting.  
 12 MR JUSTICE HILDYARD: I see. So it all works but there is  
 13 no-one there?  
 14 MR STUART: We have got through to the hotel reception where  
 15 she is staying, we have got information from that hotel  
 16 reception that she is in a meeting at the hotel  
 17 at present -- literally at present -- we have left  
 18 messages both on her own personal mobile phone and with  
 19 the hotel and on her phone at the hotel, "Please call my  
 20 instructing solicitor urgently, we are trying to arrange  
 21 the time when we can arrange this evidence being given".  
 22 As you know, my Lord, we only actually finally got the  
 23 confirmation that we have the proper link and everything  
 24 this morning, although we did try to get through to her  
 25 on Friday. We didn't get anything from her on Friday,

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1 Saturday, Sunday. We have sent emails to her. We are  
 2 concerned, I can only say that, but we are doing  
 3 everything we can to get hold of her.  
 4 MR POTTS: My Lord, I would like to finish Mrs Parham's  
 5 evidence tomorrow morning and I would not like her  
 6 evidence to be -- some imposition. Given the lack of  
 7 clarity, in any event, I would like to finish  
 8 Mrs Parham's evidence, and maybe then we can arrange  
 9 a time later in the day.  
 10 MR JUSTICE HILDYARD: That seems sensible.  
 11 MR STUART: Yes, my Lord.  
 12 MR JUSTICE HILDYARD: As far as it goes. Of course you will  
 13 be continuing your efforts to try and track her down.  
 14 MR STUART: My Lord, we will get hold of her, we will  
 15 arrange things, and we will seek not to arrange it for  
 16 before 11.30. Not before 11.30, so if we can do it for  
 17 2 o'clock, perhaps that might be best.  
 18 MR POTTS: My Lord, 2 o'clock would be more sensible.  
 19 MR STUART: If we can do 2 o'clock we will do 2 o'clock, and  
 20 if we can't and I have to look at 12 --  
 21 MR POTTS: We have other small witnesses that we can deal  
 22 with, my Lord, tomorrow.  
 23 MR JUSTICE HILDYARD: I think you will have to be reasonably  
 24 flexible, the two of you, because it's important that if  
 25 she can give evidence she should.

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1 MR POTTS: Absolutely, my Lord.  
 2 MR JUSTICE HILDYARD: It's sensible that she does not  
 3 interrupt Mrs Parham, that's agreed. Subject to that,  
 4 if she can say do 12.30 but can't do 2.30, or she can do  
 5 1.15 and can't do others, we must sort of build  
 6 ourselves around it.  
 7 MR STUART: What time would we start tomorrow?  
 8 MR JUSTICE HILDYARD: I am afraid that I presently  
 9 understand myself to have a meeting at 10, and I haven't  
 10 been able to get rid of that, so it will have to be  
 11 10.30 tomorrow. I have another meeting at 4.30, which  
 12 I will have to get to, so I will have to stop at about  
 13 4.20. Ie it will be a normal court day tomorrow, and if  
 14 we can catch up later in the week, we will try and do  
 15 so.  
 16 We have one more sitting day before you go to write  
 17 your closing submissions, as I understand it, which is  
 18 Wednesday. Is that right?  
 19 MR POTTS: My Lord, the aim is to finish by Wednesday.  
 20 I appreciate that, for a number of reasons, we are  
 21 a little behind.  
 22 MR JUSTICE HILDYARD: Yes. How behind, do you reckon?  
 23 MR STUART: My Lord, it appears that if we finish Mrs Parham  
 24 by noon tomorrow, which seems to roughly my learned  
 25 friend's ... we appear to be a day and a half behind his

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1 estimate.  
 2 MR POTTS: I think it's a day actually, my Lord.  
 3 MR JUSTICE HILDYARD: That's on the footing that Mr Potts by  
 4 "20 minutes" means an hour, and you by "15 minutes" mean  
 5 half an hour.  
 6 MR STUART: My Lord, I said I would be not more than  
 7 20 minutes, and I promise you I will stick to that, as  
 8 I did with Mr Parham and as I did with my last couple of  
 9 witnesses.  
 10 MR JUSTICE HILDYARD: I am just --  
 11 MR STUART: I know, my Lord.  
 12 MR POTTS: I think it's actually a day, not a day and  
 13 a half.  
 14 MR JUSTICE HILDYARD: On your estimate we would finish  
 15 Mrs Parham by, I thought, 11.30. We are not going to,  
 16 you think; it may be noon?  
 17 MR POTTS: My Lord, it depends a little on how short the  
 18 answers are.  
 19 MR JUSTICE HILDYARD: Yes. All right. We will start again  
 20 at 10.30 tomorrow; we will stop at 4.20. We will not  
 21 interrupt the conclusion of Mrs Parham's evidence. We  
 22 will be as orderly as we can be. But if it should  
 23 transpire by reference to timing differences or other  
 24 general difficulties that we have to interpose the  
 25 video, then with regret we will have to do that. The

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1 important thing is, if at all possible, we should get  
2 this video stuff done during the course of tomorrow,  
3 because Wednesday will be rather a breathless day,  
4 I suspect. It sounds as if we will go into Thursday for  
5 the evidence.  
6 MR POTTS: That I think may be right, my Lord. I think that  
7 we will finish certainly the claimants' witnesses,  
8 subject to re-examination length, tomorrow.  
9 MR JUSTICE HILDYARD: I am just going to ask my clerk,  
10 because whilst you are composing your closing  
11 submissions I am meant to be doing something else, and  
12 I don't know if it's Thursday or Friday. (Pause).  
13 Well, I have a day's matter or so on the Friday whilst  
14 you are scribbling away, but nothing on Thursday. Well,  
15 there we are, you can eat into Thursday but let's not  
16 eat the whole of it, and you cannot eat into Friday  
17 because I have to finish by Thursday, is the long and  
18 the short of it.  
19 MR POTTS: Yes, my Lord.  
20 MR JUSTICE HILDYARD: Is that all right?  
21 MR STUART: Understood, my Lord.  
22 MR JUSTICE HILDYARD: 10.30 tomorrow.  
23 (4.35 pm)  
24 (The court adjourned until 10.30 am  
25 on Tuesday, 14 January 2014)  
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