

Claim No.

**IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION**

MASTER TURNER - MASTER IN CHAMBERS

**IN THE MATTER OF THE EVIDENCE (PROCEEDINGS IN OTHER
JURISDICTIONS) ACT 1978**

AND

**IN THE MATTER OF A CIVIL PROCEEDING NOW PENDING BEFORE THE
HIGH COURT OF SOUTH AFRICA (DURBAN AND COAST LOCAL DIVISION)**



DINERS CLUB (SA) (PTY) LIMITED, a corporation

Plaintiff

vs

**(1) ANIL SINGH,
(2) VANITHA SINGH,**

Defendants

ORDER

UPON THE APPLICATION by the Plaintiff for an Order to obtain evidence for a foreign court.

AND UPON HEARING Solicitors for the Plaintiff and the Solicitors for Diners Club International Ltd and Citibank International Ltd as intervenors.

AND UPON READING the evidence filed and the letter of Request dated 6th February 2003 from The Honourable Mr. Justice Phillip Levinsohn in the High Court of South Africa (Durban and Coast Local Division) from which it appears that the proceedings are pending in

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that court between the Plaintiff and the Defendants ("the Proceedings") and that that court seeks to obtain the testimony of the following witnesses:

1. Kevin Davern, of Lloyds TSB Bank Plc, 71 Lombard Street, London EC3P 3BS
2. John Paul Clough, of Abbey National Plc, Geneva House, 301 - 349 Midsummer Boulevard, Milton Keynes, MK9 2JE
3. William David Cassanis, of Royal Bank of Scotland Plc (Natwest division) Green Hair, West Challow, Wantage, Oxon OX12 5TN
4. Derek C. Wyld, of HSBC Bank Plc, 8th Floor, 365 Chartwell Square, Southend on Sea, Essex, SS99 2UJ
5. Alexander Leakeby, of Link Interchange Network Limited, 4 Cardale Park, Beckwith Head Road, Hatnongate, HG3 1RY
6. Adrian Walker, of Diners Club International Service Centre, First Floor, Diners Club House, Kingsmead, Farnborough, Hants GU14 7SR
7. Allen Mortlock, of ~~Diners Club International Service Centre~~, First Floor, Diners Club House, Kingsmead, Farnborough, Hants GU14 7SR
8. Michael Bird, of Diners Club International Service Centre, First Floor, Diners Club House, Kingsmead, Farnborough, Hants GU14 7SR
9. Andrew Brett, of Diners Club International Service Centre, First Floor, Diners Club House, Kingsmead, Farnborough, Hants GU14 7SR
10. Dr. Ross John Anderson, of University of Cambridge, Cambridge
11. Michael Keith Bond of University of Cambridge, Cambridge
12. Richard Neil Clayton of University of Cambridge, Cambridge

IT IS ORDERED that:-

1. each of the witnesses listed 1 to 12 above attend before Mr. Justice Philip Levinsohn who is hereby appointed the examiner ("the Examiner") sitting at Royal Courts of Justice, Strand, London, WC2A 2LL, on Monday 3rd March 2003 and from day to

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day thereafter until examination is complete or any individual witness is released and do submit to be examined (on oath or affirmation) touching the testimony so required.

2. The witnesses Adrian Walker, Michael Bird, Andrew Brett and Allen Mortlock and each of them shall not be compelled to answer any question about or related to the following:

- (i) the detail of the information technology standards or strategy employed by Diners Club International Ltd ("DCI"), Citibank Limited ("Citibank") or any other entity within the Citicorp group of companies ("Group Companies");
- (ii) the details of the physical location and physical security systems at any premises owned or operated by DCI, Citibank or any Group Company;
- (iii) the detail of the software architecture and logic of any computer system or programme run or operated by (or on behalf of), or licensed to, DCI, Citibank or any other Group Company;
- (iv) the details of the operation, architecture, logic, location or function of any hardware or software involved in or associated with the encryption, decryption, generation or verification of Personal Identification Number issued to Diners Club card holders;
- (v) the means by which any computer system, software or hardware used by or belonging or leased to DCI, Citibank or any Group Company has been or could be attacked, influenced, circumvented or otherwise subjected to unauthorised access or use;

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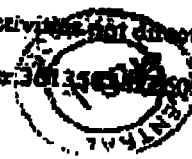
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- (vi) the physical location of or physical security arrangements relating to any hardware Security Module System licensed to, used, owned or operated by or on behalf of DCI, Citibank or any Group Company;
- (vii) the details of the operating regulations and procedures in place between DCI and its franchisees; and
- (viii) any matter concerning any transactions or activities not directly connected with the Diners Club Card having the number 361 350 12 20087.



3. the Examiner shall record or cause to be recorded the transcript of the evidence of each of the witnesses so examined in the form of a transcript as appropriate, according to the rules of practice of Her Majesty's High Court of Justice relating to the examination and cross-examination of witnesses.

4. the examiner does

- (a) administer the oath or affirmation as the case may be to all witnesses giving evidence;
- (b) when completed the transcript of the recording of the testimony of witnesses be safely taken by Mr. Justice Levinsohn to the High Court of South Africa (Durban and Coast Local division).

5. the examination of all the witnesses shall take place in private for this purpose and no member of the public or press shall be admitted.

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6. *The parties, their legal representatives and their experts shall keep confidential within the jurisdiction of England and Wales all information revealed during the examination and such information shall not be used for any purpose other than the purposes of the Proceedings.*
7. *the witnesses Adrian Walker, Michael Bird, Andrew Brett and Allen Mortlock shall be entitled to legal representation at the hearing but only for the purposes of any question which may arise as to the terms and effect of this Order at their own expense.*
8. *that the parties to the proceedings and the interveners have liberty or permission to restore the application to the Senior Master for further directions.*
9. *costs be reserved.*
10. *the Plaintiff's Solicitors have carriage of the Order.*

Dated this 21st day of February 2003

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