

From: Tom Beezer <[redacted] GRO>
To: Jane MacLeod <[redacted] GRO>
Subject: RE: Update from the Board call - [WBDUK-AC.FID26896945]
Date: Tue, 19 Mar 2019 16:28:41 +0000

Importance: Normal

Inline-Images: image001.png; image002.png; image003.png; image004.png; imagecf9cb0.PNG;
image193410.PNG; image090b7e.PNG

Jane

No problem

When you know for sure I'll get things set up with OEC

T

Tom Beezer
Partner
Womble Bond Dickinson (UK) LLP

d: [redacted]
m: [redacted]
t: [redacted]
e: [redacted] GRO

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From: Jane MacLeod [mailto:[redacted] GRO]
Sent: 19 March 2019 16:14
To: Tom Beezer
Subject: RE: Update from the Board call - [WBDUK-AC.FID26896945]

Tom

So far I have 2 takers so far but most likely to be a call rather than video conference at this stage. I'm still waiting to hear from most of the Board!

Thanks

Jane



Jane MacLeod

Group Director of Legal, Risk & Governance

Ground Floor
20 Finsbury Street

LONDON
EC2Y 9AQ

Mobile number:

From: Tom Beezer [mailto:**Sent:** 19 March 2019 11:07
To: Jane MacLeod < >; andrew.parsons < >
Rodric Williams < >
Cc: Mark Underwood < >; Amy Prime < >;
Ben Foat < >
Subject: RE: Update from the Board call - [WBDUK-AC.FID26896945]

Jane,

Latest from OEC:

Tom,

I am afraid that Tony cannot step out of the meeting he already has. He has offered to speak to them at 11.45 for 20 minutes if that will help.

Could that work for Post Office ?

t

Tom Beezer

Partner

Womble Bond Dickinson (UK) LLP

d:
m:
t:
e:

GRO

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From: Tom Beezer

Sent: 19 March 2019 09:27

To: 'Jane MacLeod'; Andrew Parsons; 'Rodric Williams'

Cc: 'Mark Underwood'; Amy Prime; [Ben.Foat](#); **GRO**

Subject: RE: Update from the Board call - [WBODUK-AC.FID26896945]

Jane

Current status re AGQC for tomorrow is:

Tom,

Tony has another commitment at that time. I will speak to him to see what can be done.

Thanks

Rob

Robert Smith

www.oecclaw.co.uk

Direct dial:
Switchboard:
Mobile:

GRO

I am pushing OEC and will let you know where I get to.

t

From: Tom Beezer
Sent: 18 March 2019 19:45
To: 'Jane MacLeod'; Andrew Parsons; Rodric Williams
Cc: Mark Underwood; Amy Prime; [Ben.Foat](#); GRO
Subject: RE: Update from the Board call - [WBDUK-AC.FID26896945]

Jane

On immediate task – I'll seek to get AGQC lined up for Weds'. I am on that now. If I hear from Rob at OEC tonight I'll update you.

On the "*thoughts on postcard point*" more to follow tomorrow AM.

Good to meet you today

T

From: Jane MacLeod [[mailto:](#)]; GRO
Sent: 18 March 2019 19:40
To: Tom Beezer; Andrew Parsons; Rodric Williams
Cc: Mark Underwood1; Amy Prime
Subject: Update from the Board call -

All

Many thanks for your help in sorting out DNQC attendance at the call. He was very balanced in his approach, but confirmed that he thinks we have a good case on recusal. The Board asked a number of questions and my sense was that they were 'calmed' by his discussion. However they haven't yet made a decision. There is a further board call on Wednesday at 12.30 and they have requested whether Lord Grabiner would be available in person at the time – ideally at FD if that's possible? Having said that they recognise that he will almost certainly say the same things as DNQC.

So please pass on our thanks to DNQC.

There is significant pressure to be able to say how we are going to treat those claimants who establish they have a case, and all those outside the scheme who may have a similar fact pattern. So what they have asked for is a pro forma model of what the various outcomes could be – that is, what is the financial impact such that taking a step like recusal is ‘worth it’.

It would be helpful to receive your thoughts on this but I think the following factors should be taken into account:

Original Expectations (and what a recusal would help us get back to)

- contract would stand in all material respects
- Horizon would be found to be robust (no systemic issues; bugs may cause losses but these can be identified and we would have a process to ensure that we didn’t attribute losses where the cause was Horizon or a PO controlled factor
- Limitation would apply (reduces group by 50%)
- Normal basis of assessment of damages (contractual notice period 3/6 months, no compensation for loss of office, other?)
- Would then look on a case by case basis – potentially repayment of amounts required to be made good, maybe interest? other ‘reasonably foreseeable’ loss?

These principles would inform a settlement, and would also apply to all others (outside the GLO) who sought relief

Post Common Issues:

More likely that:

- Horizon trial – risk of adverse findings re Horizon increases risk of breach
- we will be in breach of a contract due to implied terms: failure to investigate, proving actual loss, and ‘burden of proof’ will be most material.
- can’t rely on branch trading statement in the event of disputed losses – so must wear impact of in branch losses both historically and going forward. Currently c£5m pa and growing
- greater damages due to longer notice period implied, and greater exposure to requirement to repay those losses that we recovered (wrongly) from claimants (and others)
- Bias and ‘conspiracy theory re withholding evidence’ – will impact Limitation arguments
- Therefore greater numbers of postmasters within group and externally who could bring claim and greater quantum of damages – whether through litigation or settlement

Additional factors – other than Recusal and appeal, costs of trials should not vary.

On a settlement (say over the summer) the fact (or not) of recusal and the Horizon outcomes will be key to our negotiating strength. As it stands today, we would be in a worse position.

As ever, thoughts on the back of a postcard

Thanks

Jane



Jane MacLeod

Group Director of Legal, Risk & Governance

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Mobile number:

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