

**From:** Andrew Parsons [GRO]  
**Sent:** Wed 17/04/2019 11:03:45 AM (UTC)  
**To:** David Cavender [GRO]; Owain Draper [GRO]  
**Cc:** Gideon Cohen [GRO]; Anthony Grabine [GRO]; David Neuberger [GRO]; Amy Prime [GRO]  
**Subject:** DEN 24 RE: Revised letter for the CA

Thanks. I'll drop that paragraph in at the end of the letter.

A

**Andrew Parsons**

Partner

Womble Bond Dickinson (UK) LLP

d: [GRO]  
m: [GRO]  
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**From:** David Cavender [GRO]  
**Sent:** 17 April 2019 11:57  
**To:** Owain Draper [GRO]; Andrew Parsons [GRO]  
**Cc:** Gideon Cohen [GRO]; Anthony Grabine [GRO]; David Neuberger [GRO]; Amy Prime [GRO]  
**Subject:** RE: Revised letter for the CA [WBDUK-AC.FID26896945]

All,

This is an important point.

Even raising the point will probably involve Coulson LJ having to consider bringing it to the attention of someone else – which is one step along the road of seeking to undermine the Fraser/Coulson axis.

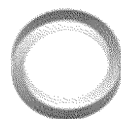
The more we can say in the letter the more effective it will be – but we seem to have one hand tied behind our back at the moment.

Even Owain's muted version of what we could say would be very much better than saying nothing.

Best,

D.

David Cavender QC



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**From:** Owain Draper

**Sent:** 17 April 2019 11:51

**To:** Andrew Parsons <[REDACTED]>; David Cavender <[REDACTED]>

**Cc:** Gideon Cohen <[REDACTED]>; Anthony Grabiner <[REDACTED]>; David Neuberger <[REDACTED]>; Amy Prime <[REDACTED]>

**Subject:** Re: Revised letter for the CA [WBDUK-AC.FID26896945]

I defer to the QCs on this one, Andy. I do not know what we can say (without referring to the specific issues in the Common Issues appeal) that has much content or force. We could say this: "Post Office respectfully asks that, in light of importance of the issues raised in the two proposed appeals, the applications for permission be referred to three Lord Justices for decision"

**From:** Andrew Parsons <[REDACTED]>

**Date:** Wednesday, 17 April 2019 at 11:37

**To:** Owain Draper <[REDACTED]>, David Cavender <[REDACTED]>

**Cc:** Gideon Cohen <[REDACTED]>, Anthony Grabiner <[REDACTED]>, David Neuberger <[REDACTED]>, Amy Prime <[REDACTED]>

**Subject:** RE: Revised letter for the CA [WBDUK-AC.FID26896945]

I'm speaking to Jane at lunchtime about this. Please can you add in the extra material if you want it to go in the letter and send over to me asap. I'll then see what I can get approved.

A

**Andrew Parsons**

Partner

Womble Bond Dickinson (UK) LLP

d: [REDACTED]  
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**From:** Owain Draper <[REDACTED]>

**Sent:** 17 April 2019 10:59

**To:** David Cavender <[REDACTED]>; Andrew Parsons <[REDACTED]>

**Cc:** Gideon Cohen <[REDACTED]>; Anthony Grabiner <[REDACTED]>; David Neuberger <[REDACTED]>

**Subject:** Re: Revised letter for the CA

It would be good to be able to mention the legal significance of some of the points in the Common Issues

Appeal (relational contract or termination on notice, for example). Other than that, we only have that the issues are important, which seems a bit lame.

From: David Cavender <GRO>  
Date: Wednesday, 17 April 2019 at 10:53  
To: Owain Draper <GRO>, Andrew Parsons <GRO>  
Cc: Gideon Cohen <GRO>, Anthony Grabiner <GRO>, David  
Neuberger <GRO>  
Subject: RE: Revised letter for the CA

Owain,

I think that such a request is a good idea. I think we can justify it on vanilla grounds (rather than a Fraser/Coulson axis) on the basis of the nature of the decision being appealed.

Best,

D.

David Cavender QC

[cid:image002.jpg@01CF1C35.04ACED80]

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From: Owain Draper  
Sent: 17 April 2019 10:48  
To: Andrew Parsons [GRO]  
Cc: David Cavender [GRO]; Gideon Cohen [GRO]; Anthony Grabiner [GRO]; David Neuberger [GRO]  
Subject: Revised letter for the CA  
Importance: High

Dear Andy,

We think the letter is still worth sending.

There is an outstanding point as to whether or not to add a request that the two applications for permission go before 2/3 Judges. It appears from the CPR that this is a request we can make: a single Judge “may refer any matter for a decision by a court consisting of two or more judges” (r.52.24(8)). I have no idea how such a request would be received.

Kind Regards,

Owain

Owain Draper

One Essex Court, Temple

EC4Y 9AR

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