

Message

From: Mark Underwood [GRO]
Sent: 01/02/2018 20:36:38
To: Andrew Parsons [GRO]; Rodric Williams [GRO]; Jane MacLeod
CC: Amy Prime [GRO]
Subject: Re: Tomorrow's Hearing

By delaying discussion regarding the lead cases trial and associated disclosure - does that not then open us up to being derailed by being drawn into RFI discussions that we wanted to avoid?

Mark Underwood
Head of Portfolio: Legal, Risk & Governance

[GRO]

From: Andrew Parsons [GRO]
Sent: Thursday, February 1, 2018 8:25:47 PM
To: Mark Underwood [GRO]; Rodric Williams; Jane MacLeod
Cc: Amy Prime
Subject: Re: Tomorrow's Hearing

It's the hearing schedule. It's really unusual to be on at 9:15 which makes David think we are being squeezed in and judges tend to behave badly when under time pressure.

Also, this was all instigated by Patrick Green, not us. It would not look good if the Cs are trying to make the judges life easier and we're opposing that.

A

On Thu, Feb 1, 2018 at 8:17 PM +0000, "Mark Underwood" [GRO] [GRO] wrote:

Thanks Andy,

David has previously expressed confidence that the judge would not throw his weight around with him - why the sudden worry, the night before?

Mark Underwood
Head of Portfolio: Legal, Risk & Governance

[GRO]

Andrew Parsons
Partner
Womble Bond Dickinson (UK) LLP

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From: Andrew Parsons [GRO]
Sent: Thursday, February 1, 2018 8:10:25 PM
To: Rodric Williams; Jane MacLeod; Mark Underwood [GRO]
Cc: Amy Prime
Subject: Tomorrow's Hearing

Rodric, Jane, Mark

Counsel have been speaking (always a dangerous thing!). They are worried that the Judge will be grumpy tomorrow because he has an urgent and difficult hearing after ours to do with HS2. They therefore want to streamline our hearing.

The plan is to:

- Move all discussion about a Lead Cases trial and related disclosure to another CMC in a couple of weeks.
- Counsel will ask the Judge to give his views on the general principles that underpin disclosure for the Common Issues trial (eg. should factual matrix be wide or narrow? should we use Model D or Model C?).
- The parties will then go away and draw up the final orders within 7 days, failing which we will go back to Court to deal with the detail of the Orders.

I'm nervous about this approach because Freeths have always been very difficult when it comes to drawing up Orders after hearings. I therefore have little hope that we will reach agreement and strongly suspect we will be back in Court (and in front of a very grumpy Judge). However, if we can get the judge to say factual matrix should be limited and he prefers Model C, that would be a good result for us.

Counsel have however been able to agree some wording for Part 1 of Stage 2 Disclosure which means that there is one less point of dispute for tomorrow.

See you tomorrow.

A

Andrew Parsons
Partner
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