

Message

From: Andrew Parsons [andrew.parsons@GRO]
Sent: 10/03/2019 22:13:54
To: Mark Underwood [mark.underwood@GRO]; Jane MacLeod [jane.macleod@GRO]; Rodric Williams [rodric.williams@GRO]
CC: Amy Prime [amy.prime@GRO]; Rachel Scott [rachel.scott@GRO]
Subject: RE: Common Issues Judgment: Instructions Table + Subsequent Actions - Subject to Legal Privilege [WBDUK-AC.FID27032497]
Attachments: 190308 Subject to Legal Privilege - Judgment Actions.docx; _DOC_154696974(1)_Summary of CIT Judgment.docx; UPDATED Risk Assessment Table - 10 March 2019.DOCX; BATES-note100319.docx

Mark and all

Please find below and attached an update on our deliverables 1.1 – 1.6.

1.1 Determine whether the Judgment has any impact on the Horizon Trial which begins on Monday

The HIT Counsel team have been briefed and are taking the CIT judgment into account in their preparations.

Consideration has been given to adjourning the HIT. This is not recommended for two reasons:

- There is very little chance the Judge would entertain it. Even making the application will get him (further) offside.
- We have a largely new team in front of him on Monday, with mainly new witnesses. We therefore believe that the better approach is to push for a "clean slate" with the judge and to urge him to come to this trial with an open mind. We think this is unlikely to work given his comments in the CIT, but this is better than further antagonising him.

1.2 Handing down timing and appeal

There are no means of preventing the Judgment from being handed down or suspending its effect.

Please see attached DCQC's note on lodging an appeal.

1.3 Judgment summary and impact

Please find attached two documents: an Initial Summary of the Judgment and the updated Risk Assessment Table.

1.4 Sharing the Judgment with shareholder

Post Office can apply to the Judge for permission to share the Judgment with other organisations outside of PO. There are no rules or tests for this – it is a matter of judicial discretion. It requires a formal application to be lodged with the Court.

1.5 Branch Trading Statement

We do not believe that there is any immediate action that can be taken to allow the BTS to be relied on as an account stated under the law of agency. There may be actions that can be taken in the future as part of a wider mitigation strategy.

An action has been added for advice on whether the difficulty in relying on the BTS could affect false accounting convictions. That is a question for Cartwright King who will need to be instructed by Post Office. We can of course help prepare any supporting papers.

1.6 Corrections

Corrections are underway. Gideon Cohen plus a new junior Counsel has been instructed to assist with this. Alongside our typographic corrections, we plan to lodge a few points where we believe that the Judgment could be clarified in PO's favour. This will not however change the overall effect of the Judgment.

Kind regards
Andy

Andrew Parsons

Partner
Womble Bond Dickinson (UK) LLP

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From: Mark Underwood  [\[mailto:mark.underwood@womblebond.com\]](mailto:mark.underwood@womblebond.com) 

Sent: 10 March 2019 11:39

To: Jane MacLeod; Rodric Williams; Andrew Parsons

Cc: Amy Prime

Subject: RE: Common Issues Judgment: Instructions Table + Subsequent Actions - Subject to Legal Privilege

Thanks Jane

- A calendar invitation for the call should now be in each of your diaries for 7:30pm this evening.
- **Andy** – I tried to call – please ask DQC will come to FD tomorrow for 11am and ask that he keep Tuesday morning free to join a call with the Board or come in in person if it becomes a F2F meeting.
- I have attached:
 - A revised version of the actions list, which I have added to since it was last circulated on Friday
 - A revised version of the 'soundbites' included in the judgment, which should now reflect the Judgment in its entirety
 - Paper on the Appeals process
 - Paper on costs
 - **Andy / Amy** – can you dig out the papers within which we discussed suspensions and acting capriciously, + the admitted Stirling v Maitland and Necessary Cooperation implied terms

On tonight's call, I would find it helpful to:

- Understand any developments over the weekend
- Progress made against the various bits of advice being sought
- Plan for the week ahead

Mark



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Mark Underwood

Portfolio Director: Legal, Risk & Governance



Mobile number: 

From: Jane MacLeod
Sent: 10 March 2019 08:40
To: Mark Underwood <mark.underwood@GRO>; Rodric Williams <rodric.williams@GRO>
Cc: andrew.parsons <andrew.parsons@GRO>
Subject: RE: Common Issues Judgment: Instructions Table + Subsequent Actions - Subject to Legal Privilege

Thanks Mark

GE is from 10.30 onwards tomorrow. We've cancelled the McKinsey session which was scheduled to go till 1 pm, so we effectively have 10.30-1.00pm. My suggestion would be for David to come at say 11/11.30 so that we have time to address any other business before he comes in.

The Board call hasn't been scheduled yet but is most likely to be in the morning (on the basis that that is when the Chairman is usually in the office) so we need to know if there are any times that David couldn't make.

Thanks

Jane

PS Mark – you still have an out of office message on!



Jane MacLeod

GRO

Mobile number: **GRO**

From: Mark Underwood <mark.underwood@GRO>
Sent: 09 March 2019 23:33
To: Jane MacLeod <jane.macleod@GRO>; Rodric Williams <rodric.williams@GRO>
Cc: andrew.parsons <andrew.parsons@GRO>
Subject: Re: Common Issues Judgment: Instructions Table + Subsequent Actions - Subject to Legal Privilege

Hi Jane,

Would 6pm work for everyone ? I will assume it does unless i hear otherwise and put something in the diary.

Andy - Al has asked that David come to GE on Monday and the Board on Tuesday.

Jane - what time are these meeting please?

Mark

Mark Underwood
Portfolio Director: Legal, Risk & Governance
GRO

From: Jane MacLeod <jane.macleod@GRO>
Sent: Saturday, March 9, 2019 10:10 pm
To: Mark Underwood <mark.underwood@GRO>; Rodric Williams

Cc: andrew.parsons

Subject: Re: Common Issues Judgment: Instructions Table + Subsequent Actions - Subject to Legal Privilege

Thanks Mark,

I'm still trawling through the judgement again, but had also picked up these points. Subject to availability, would it be possible for the 4 of us to have a call late tomorrow afternoon/ early evening - I'm flexible as to timing, but it might be worth running through who's doing what before Monday.

Jane

Jane MacLeod
Group Director Legal, Risk & Governance
Post Office

GRO

From: Mark Underwood <mark.underwood@postoffice.co.uk>

Sent: Saturday, March 9, 2019 9:17 pm

To: Jane MacLeod; Rodric Williams

Cc: andrew.parsons

Subject: RE: Common Issues Judgment: Instructions Table + Subsequent Actions - Subject to Legal Privilege

Jane / Rod

Further to the below, I have now been through the judgment from a comms / stakeholder management lens, pulling out:

- Comments re the NFSP
- Statements which will play in the secrecy / deceit narrative
- The Judge's observations on our witness evidence vs the claimants'
- Inflammatory comments more generally.

I am only sending this to you two as I am not entirely sure whether I am yet able to circulate anything with extracts from the Judgment just yet – but I hope this will prove helpful to Mel and Mark on Monday. Themes in terms of the comment / 'observations' Judge Fraser has made include: POL being secretive; sloppy in its operations; its evidence being driven through a PR Prism; its witnesses being blinkered in their views / adopting a default position in their findings; and an undercurrent of sexism.

Please do forward on now to the copy list included on my below note (+AI who I omitted accidentally), if we are able to?

Given the attacks made on some of POL's witness evidence, we should speak to each of them as swiftly as we can, once the judgment is handed down. Also, I know Nick Beal is planning to attend Court on Monday and as such, the sooner we can brief SteerCo, the better – I think the note Jane sent to the Board on Friday would be perfect?

I will continue to work on the attached tomorrow.

Mark



Mark Underwood
Portfolio Director: Legal, Risk & Governance

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Mobile number: [GRO]

From: Mark Underwood [GRO]

Sent: 08 March 2019 19:18

To: Jane MacLeod <jane.macleod [GRO]>; Mark R Davies <mark.r.davies [GRO]>; Melanie Corfield <melanie.corfield [GRO]>; Julie Thomas <julie.thomas [GRO]>; Zoe Brauer <Zoe.Brauer [GRO]>; Ben Beabey <Ben.Beabey [GRO]>

Cc: andrew.parsons <andrew.parsons [GRO]>; 'Rodric Williams' <rodric.williams [GRO]>; Angela Van-Den-Bogerd <angela.van-den-bogerd [GRO]>; 'Rachel Scott' <rachel.scott [GRO]>

Subject: Common Issues Judgment: Instructions Table + Subsequent Actions - Subject to Legal Privilege

Importance: High

Dear all

Further to the exchange of emails today on the Common Issues Trial Judgment, please find attached an initial actions list which I think captures what everyone has fed in and is purposely simple. Further actions and work will be required as advice is received from the lawyers but hopefully this will get the ball rolling. Please do send me anything that I have missed.

There are a number of deliverables required before Monday, but necessarily so as they provide the springboard for everything else (next steps, reporting, briefing papers etc). I will set up a meeting for first thing on Monday (with dial ins for those not in FD) so that we can assess where we are, based upon the advice which will be provided over the weekend.

Jane: can we please use the Chairman's Office as a 'base'?

Jane & Al: would you like David Cavender QC to come to GE on Monday / the Board call on Tuesday? What are the timings of these meetings please?

Andy / Rachel: Can you please get the relevant instructions out to One Essex / your team. Please give me a call to discuss anything in the attached table which isn't clear.

Thanks all

Mark



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Mark Underwood

Portfolio Director: Legal, Risk & Governance

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Mobile number: [GRO]

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