

Message

From: Jane MacLeod [GRO]
Sent: 13/11/2017 08:12:33
To: Andrew Parsons [GRO]; Rodric Williams [GRO]; Thomas P Moran [GRO]; Mark Underwood [GRO]
Subject: RE: Group Litigation - Update on Counsel - Subject to Legal Privilege - Do Not Forward

Thanks for these.

In terms of how we lay out the discussion for GE this morning, I don't find the 'only Tony understands PO' very convincing as an argument. As presented, that positioning is also inconsistent with the argument that says Daniel would have plenty of time to read in during May. A better argument is that he has developed a rapport with the judge, although even this sounds weak to a lay audience.

Given the late news re Jamie Goldsmith, I would prefer to present this as:

- The judge has said court dates will be scheduled irrespective of counsel availability
- A number of these hearings have already been scheduled earlier than we would ideally have liked
- As it happens, there is a moderate chance that Tony won't be available for the Court hearing now scheduled for November 2018
- There is a further hearing scheduled for February 2019, and it is almost certain we will need 2 teams working in parallel to prepare for both trials
- Therefore, we need a contingency plan. We had been proposing to use a 'senior junior' to cover the procedural hearings over the next few months, however for health reasons our preferred choice is no longer available. Accordingly we are considering bringing on a second QC on now – both as contingency in case Tony isn't available, and also to ensure that we have continuity. This is a much more expensive option, and even if we win and have a costs order in our favour, we are unlikely to recover a significant proportion of the costs of the second QC. Additional costs could be > £1m over 15 months.

Jane



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Mobile number: [GRO]

From: Andrew Parsons [GRO]
Sent: 12 November 2017 20:57
To: Rodric Williams [GRO]; Jane MacLeod [GRO]; Thomas P Moran [GRO]; Mark Underwood [GRO]
Subject: RE: Group Litigation - Update on Counsel - Subject to Legal Privilege - Do Not Forward

Thanks Rod

All – please find attached:

1. Talking points for the GE – these are just my notes from our call on Wednesday but all comments welcomed.
2. Revised paper on choosing Counsel. Due to the points Rod raises below, I now slightly favour engaging a second QC on this case instead of a "Senior Junior".

The Counsel paper has some updated costings. These are my estimates only. Counsel's clerks original estimates were 50% higher than these figures but I would hope to drive them down through further negotiation. They are looking at them again at the moment. I would not circulate this paper wider at the moment as I would wait for the clerks to confirm the costs but given the GE tomorrow I'm circulating this to our little group now so that you can all see the rationale.

Kind regards
Andy

Andrew Parsons

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From: Rodric Williams 
Sent: 12 November 2017 20:26
To: Jane MacLeod; Thomas P Moran; Mark Underwood 
Cc: Andrew Parsons
Subject: Group Litigation - Update on Counsel - Subject to Legal Privilege - Do Not Forward

All,

Just to update the position on barristers before tomorrow morning.

Jamie Goldsmith, the "senior junior" (i.e. not quite a QC) we had lined up to cover less complex case management hearings and provide continuity should we need to change QCs, is now unable to take our case for medical reasons.

To me, when combined with Mr Justice Fraser's ruling that the Court's timetable will not be influenced by the barristers' availability, this tends to support reading a second QC (Daniel Toledano) in to the case.

Andy (cc'ed) was obtaining costings from the barristers' clerks over this past weekend to help inform the discussion on our options for barristers going forward.

Kind regards, Rod



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