

Message

From: Jane MacLeod [GRO]
on behalf of Jane MacLeod [GRO]
Sent: 09/04/2019 17:44:22
To: Tim Parker [GRO]; Ken McCall [GRO]; Thomas Cooper [GRO]
CC: Alisdair Cameron [GRO]; Veronica Branton [GRO]; Avene Regan [GRO]; Diane Blanchard [GRO]
Subject: Post Office - Recusal Application CONFIDENTIAL AND SUBJECT TO LEGAL PRIVILEGE - DO NOT FORWARD

All

Justice Fraser handed down his judgment today in relation to the recusal application, and as anticipated, has rejected our application for him to recuse himself. Somewhat less expectedly, he also refused our application for leave to appeal, which means we now need to apply directly to the Court of Appeal for permission to appeal. I have set out below next steps which include – unfortunately – changing the time of the Board sub-Committee.

Consequential Orders

In setting out directions as to how matters should proceed from now, he has ordered that:

- the application to the Court of Appeal for leave to appeal his decision not to recuse himself, should be filed by the end of the Court day on Thursday (c4pm)
- the Horizon trial should continue with the last witness for Post Office (Steve Parker from Fujitsu) to give evidence on Thursday morning (11 April), and expert evidence to be given as soon after 20 May as diaries can be aligned.

Next steps

Briefings

We had scheduled a board sub-committee for Monday evening (15 April) to provide a briefing on the proposed grounds of appeal in the Common Issues trial, and start the Post Office governance processes in relation to the decision whether to appeal the Common Issues judgment. Unfortunately we were advised today by David Cavender's clerk that he had inadvertently misled us and David is not available at that time. I now believe that both David Cavender and Lord Neuberger will be available on Tuesday 23 April (I am waiting for written confirmation), and we will check alternative availability as soon as we have that confirmation.

Timetable

The following summarises the next steps:

10.00 am Thursday 11 April	Horizon trial continues – Steve Parker (Fujitsu) to give evidence
4.30 pm Thursday 11 April	Filing of Application for Leave to Appeal recusal application & request to stay Horizon trial pending decision
w/c 23 April	Board sub-committee to discuss application for leave to appeal the Common Issues judgment
tbd	Briefings meetings (if required) with shareholder – UKGI to advise requirements
16 May	(Subject to outcome of recusal application) latest date for Managing Judge to hear consequential orders arising out of Common Issues judgment including leave to appeal and costs orders. Note this date does not work for the Claimants' Counsel, so may be brought forward.

Not before 20 May

Expert evidence to be heard in Horizon trial (again subject to the application to stay the Horizon trial)

My apologies for changing the date of the Board sub-committee.

Kind regards,

Jane



Jane MacLeod

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