
From: Rodric Williams [GRO]
Sent: Wed 20/03/2019 11:15:44 AM (UTC)
To: Alisdair Cameron [GRO] Jane MacLeod [GRO]
Subject: RE: Update on Horizon Issues Trial - Post Office Group Litigation - SUBJECT TO LEGAL PRIVILEGE - DO NOT FORWARD

Thanks Al.

Responding to your questions in red:

- We have always felt that even if [Horizon is susceptible to failures] was true it didn't mean that the system generated the losses complained of. Can we really demonstrate that?

The case we are running is not that Horizon is perfect and could never have caused a postmaster a loss. There is too much data over too long a period to say that definitively.

Our case is that Horizon is robust, relative to comparable systems, and highly unlikely to have caused all of the losses that all of the Claimants complain of. It is possible that on close examination of an individual case a Horizon generated error may have caused a loss in branch. However the evidence from the experts, who are supposed to be the main witnesses, is that that is highly unlikely.

- I wouldn't disagree on some aspects of this – indeed a lot of our strategy is to rectify some of the cultural underpinnings that still exist. So are we fighting all these points or accepting some but making the point above?

My view is we are keeping our focus on the case we are running about Horizon's overall robustness.

The "cultural" points have been put by the Claimants' lawyers to our witnesses, so our lawyers haven't had much of an opportunity to fight them. The time for doing that if we wanted to, or for being contrite if that is the better course, will be in written and oral closing arguments at the end of the trial.

Our lawyers have instead used the limited opportunity to mitigate "bad" evidence to clarify technical aspects of our processes rather than fight perceptions of how we execute them.

On the evidence itself, Angela in particular readily accepted shortcomings in our conduct, e.g. where we had not provided a good response to a postmaster's call for help.

Ultimately, the evidence this week and last should be largely irrelevant given the trial should be about technical issues decided on expert evidence. Based on the judge's interventions and approach on the Common Issues, we assume however that he will be influenced by it.

I hope that helps. Please let me know if you need anything further.
Rod

From: Alisdair Cameron
Sent: 20 March 2019 09:19
To: Rodric Williams [GRO] Jane MacLeod [GRO]
Subject: RE: Update on Horizon Issues Trial - Post Office Group Litigation - SUBJECT TO LEGAL PRIVILEGE - DO NOT FORWARD

Thank you Rod. In the following para I think that you have exactly summed up what we are "losing" on.

The cross-examination was aimed at, and was largely successful at demonstrating:

- a variety of incidents with Horizon, both in its software and the transaction records it generates, which:
 - o impact branch accounts;
 - o paint a picture of a system susceptible to failures, even if they are isolated and ultimately resolved; and
 - o are consistent with the errors experienced by the Claimants.
- Post Office's reliance on Horizon is overstated and blinkered, leading to an improper presumption of postmaster fault and liability for branch losses.
- Post Office has access to far better information from Horizon about branch accounting issues, which it is better placed to use but does not share with, or actively withholds from, postmasters.
- Post Office has overstated the improvements made to Horizon over the years, which it has been slow to roll out and implemented purely to save costs.

And which I would expect to continue to lose on.

My questions are

- We have always felt that even if the above was true it didn't mean that the system generated the losses complained of. Can we really demonstrate that?
- I wouldn't disagree on some aspects of this – indeed a lot of our strategy is to rectify some of the cultural underpinnings that still exist. So are we fighting all these points or accepting some but making the point above?

AI



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GRO

From: Rodric Williams [GRO]
Sent: 20 March 2019 08:40
To: Alisdair Cameron [GRO] Debbie.K Smith [GRO] Jane MacLeod [GRO] Mark R Davies [GRO] Mohinder Kang [GRO] Owen Woodley [GRO] Rob Houghton [GRO]
Cc: Angela Van-Den-Bogerd [GRO] Stuart Nesbit [GRO] Patrick Bourke [GRO] Thomas P Moran [GRO] Melanie Corfield [GRO] Nick Beal [GRO] Catherine Hamilton [GRO] Julie Thomas [GRO] Ben Foat [GRO]
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All,

On Monday and Tuesday the Claimants' counsel team cross-examined Angela van den Bogerd, Dawn Phillips, Tracy Mather and Paul Smith from Post Office, with Angela's cross-examination by the Claimants' QC Patrick Green occupying just over a day and a half of the two days.

The cross-examination was aimed at, and was largely successful at demonstrating:

- a variety of incidents with Horizon, both in its software and the transaction records it generates, which:
 - o impact branch accounts;
 - o paint a picture of a system susceptible to failures, even if they are isolated and ultimately resolved; and
 - o are consistent with the errors experienced by the Claimants.
- Post Office's reliance on Horizon is overstated and blinkered, leading to an improper presumption of postmaster fault and liability for branch losses.
- Post Office has access to far better information from Horizon about branch accounting issues, which it is better placed to use but does not share with, or actively withholds from, postmasters.
- Post Office has overstated the improvements made to Horizon over the years, which it has been slow to roll out and implemented purely to save costs.

Through the cross-examination, the Judge has challenged on a number of occasions the content of the Post Office witnesses' statements (e.g. where the witness has provided information collated with the assistance of other Post Office personnel, or has corrected or clarified the evidence). He has also taken issue with Post Office's document disclosure, in particular where redactions have been made. When considered in the context of the Common Issues Judgment, these challenges suggest he could be equally critical of Post Office's evidence when giving judgment on the Horizon Issues.

The Claimants will today cross-examine the final Post Office employee, Dave Johnson, before starting their cross-examination of the four witnesses Post Office has called from Fujitsu. The Claimants are required to complete their cross-examination by the end of Thursday.

Kind regards, Rod



2017 Winner of the Global
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Experience

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