

Message

From: Carol King [CN=Carol King/OU=e/O=POSTOFFICE]
Sent: 29/07/2004 12:28:20
To: Victoria Noble; Jennifer Robson
Subject: Re: Wolstenholme

Vicky/Jennifer
Latest mail on The FSA case for Cleveleys
Cheers
Carol

----- Forwarded by Carol King/e/POSTOFFICE on 29/07/2004 12:27 -----

John Legg

29/07/2004 10:46

To: Mandy
Talbot/e/POSTOFFICE@POSTOFFICE
cc: Carol
King/e/POSTOFFICE@POSTOFFICE, Clare
Wardle/e/POSTOFFICE@POSTOFFICE, David W
Miller/e/POSTOFFICE@POSTOFFICE, Keith K
Baines/e/POSTOFFICE@POSTOFFICE, Manish
Patel/e/POSTOFFICE@POSTOFFICE, Peter M
Corbett/e/POSTOFFICE@POSTOFFICE, Rod
Ismay/e/POSTOFFICE@POSTOFFICE,
susanne.helliwell **GRO** Kevin
Gilliland/e/POSTOFFICE@POSTOFFICE, Paul F
Williams/e/POSTOFFICE@POSTOFFICE, Chris N
Howard/e/POSTOFFICE@POSTOFFICE
Subject: Re: Wolstenholme

Mandy

I think the best person to give evidence on the range of our products and services would be someone in the retail line, or, perhaps an audit manager. I don't have a working knowledge of what the products all are, and unfortunately I'm on leave from today for two weeks.

Alternatively, if what you really need is someone to comment on how the products and services are paid for, rather than what they are, then Chris Howard, Agency Pay manager, would be the best person to speak to.

Rod - if Mandy needs someone to speak about the products and services themselves, what do you think of the audit manager suggestion? If you agree this may be best bet could you liaise with Mandy re location of trial and which auditor might be best placed. If you don't agree, perhaps you could broker liaison with the retail line via Richard Barker and Sue Huggins/or Geoff May.

In the time available, i don't think I can be of much further help.

John

Agency Contracts Manager
Post Office Ltd
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WELWYN GARDEN CITY
Herts, AL7 2HA
tel & fax: **GRO**

Mandy Talbot
28/07/2004 18:28

To: Carol
King/e/POSTOFFICE@POSTOFFICE, Keith K
Baines/e/POSTOFFICE@POSTOFFICE, John
Legg/e/POSTOFFICE@POSTOFFICE, Manish
Patel/e/POSTOFFICE@POSTOFFICE, Rod
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cc: susanne.helliwell
Clare Wardle/e/POSTOFFICE@POSTOFFICE, David W
Miller/e/POSTOFFICE@POSTOFFICE, Peter M
Corbett/e/POSTOFFICE@POSTOFFICE
Subject: Wolstenholme

GRO

Our agents have now spoke to Counsel again.

He is of the opinion that there is no way in which all reference to the experts report can be excluded from the trial save for a payment of Mrs W of her entire claim of £187,500.

The best that can be achieved is to try and minimise the damage by a report from Fujitsu along the lines suggested in the advice. There is no guaranty that the original adverse report will not be commented on in the final judgement.

An adverse finding on the Horizon system will have major implications for Pol. As such I should be grateful for formal instructions at this stage as to whether, despite the weakness in aspects of the case of Mrs Wolstenholme, the business wishes a strategic settlement to be made.

If we do not wish to settle the claim for 187.5 K or enter into negotiations involving substantial sums of money going up to 187 K if necessary then we have to try and minimise the risk as much as possible.

To that end please may I have Carol your immediate instructions to make and additional payment into Court in the sum of £10,000 and to formally admit that there was a problem with the notice period so that the inadequate notice constituted a breach of contract.

Carol can you or John please suggest any person who is able to produce a statement compiling the list of goods and services supplied by postmasters and who may be available to attend Court next month. It is essential that we counter the argument that she is an agent within the definition of the Commercial Agents Directive. Manish has given me some names and I have left messages with them.

Keith please can you give me details of the person suggested by Fujitsu to supply a statement as a priority as our agents need to contact him.

Mandy Talbot
Royal Mail Legal Services
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CROYDON CR9 1PJ

Tel: GRO Fax: GRO
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----- Forwarded by Mandy Talbot/e/POSTOFFICE on 28/07/2004 18:08 -----

Mandy Talbot
27/07/2004 15:59

To: Carol
King/e/POSTOFFICE@POSTOFFICE, Manish
Patel/e/POSTOFFICE@POSTOFFICE, Rod
Ismay/e/POSTOFFICE@POSTOFFICE, John
Legg/e/POSTOFFICE@POSTOFFICE,
susanne.helliwell
cc: Clare
Wardle/e/POSTOFFICE@POSTOFFICE, Tony
Marsh/e/POSTOFFICE@POSTOFFICE
Subject: Wolstenholme

GRO

I have spoken to Keith Baines and he is identifying a member of the fujitsu staff to prepare a statement dealing with paragraphs 38 to 41 of the advice. On receipt of a name I will give it to our agents for them to take a statement and lodge an application at Court.

You may recall that Jim and I obtained Counsel's opinion in 2002 on whether the Commercial Agents Directive applied to postmasters and Counsel advised in conference on being given an indication of the services and some goods which postmasters supply to the public, that on the basis of current case law that it did not. I need your assistance in identifying somebody within Pol who can provide a statement and attend Court if necessary in August giving information about the range of products and services which a typical postmaster would supply. John I seem to recall that you attended the conference and wondered whether could think of a suitable candidate.

The information is contained in the operational guide in crude form but I was wondering whether there is a simple list somewhere which could be appended to a straight forward statement so as to demonstrate that its predominantly services which are supplied.

I would also recommend along with Counsel's advice that the claim for errors be formally dropped, that an admission be made that a breach of contract in respect of failure to give proper notice did occur and that the payment into Court be increased by a further £10,000 plus interest as a further hedge against a particularly adverse finding. The advantage of the above is to remove that need for the expert to attend. Our agents should also notify him of this intention so as to avoid cancellation charges as soon as possible.

Please let me have you reply as soon as possible as time is against us in this matter

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