
From: Mark Underwood1 [GRO]
Sent: Fri 09/11/2018 8:38:44 PM (UTC)
To: Paula Vennells [GRO]
Cc: Jane MacLeod [GRO]; Angela Van-Den-Bogerd [GRO]
[GRO] Rodric Williams [GRO]; Mark R
Davies [GRO]; Melanie Corfield [GRO]
Subject: Post Office Group Litigation Update - SUBJECT TO LEGAL PROFESSIONAL PRIVILEGE -
Draft Email for the Board

Dear Paula,

As requested on this morning's call, please find below a note that can be shared with the Board which summarises the events of last week, in respect of the Common Issues Trial.

If you have any questions, or would like any additional information included, please do let me know.

Kind Regards

Mark

To: Post Office Board

Copy list: Jane MacLeod, Angela Van Den Bogerd, Rodric Williams, Mark Davies, Melanie Corfield, Mark Underwood

Subject Line: Post Office Group Litigation Update - SUBJECT TO LEGAL PROFESSIONAL PRIVILEGE - DO NOT FORWARD

SUBJECT TO LEGAL PROFESSIONAL PRIVILEGE - DO NOT FORWARD

Dear all,

As you will be aware, the Common Issues Trial (CIT) began on Wednesday 7 November. A number of the claimants were present, as were journalists from the Financial Times, Daily Mail, Computer Weekly and the Press Association. Nick Wallis, who has reported on the case for a number of years, was also in attendance.

Wednesday 7 November

Both parties' QCs were allocated half a day for their opening submissions. Patrick Green QC (PGQC) for the Claimants went first and spent the majority of his time suggesting there are imbalances between Post Office and postmasters in respect of the contract, branch operations and access to information more generally. He did not however debate the law the Judge must apply to decide the Common Issues.

David Cavender QC (DCQC) then spoke for us and, having described the scale of Post Office's operations (e.g. 47 million transaction performed each week and an average of £643 million held within the network at any given time), focussed almost entirely on the law.

Though overall the opening day was fairly neutral, DCQC's explanation for why postmasters would not be held liable for a shortfall, if that shortfall had been caused by an error / bug in Horizon, could have been clearer. This point will be sharpened during our witness evidence and in DCQC's closing submissions.

Thursday 8 November

With Alan Bates called first, Thursday was the first of what will be four days of Claimant witness evidence. The cross

examination of Mr Bates went well for Post Office and lasted the majority of the day. DCCQ tested a number of the statements included within Mr Bates' witness statement and in particular his assertion that he had not received nor was even aware of the subpostmaster contract until more than 12 months after his appointment. Mr Bates was also questioned about his approach to branch losses and the accounting practices he adopted, along with his approach to training his own staff and the basis for his claim against Post Office.

Media Coverage

As expected, there has been media coverage with articles appearing in, for example, the Telegraph, Daily Mail and Financial Times. Thus far, the majority of the coverage has been fairly balanced with our statement, or at least parts of it, being used. Broadcast coverage has been limited to short BBC bulletins on the opening day and there is little social media traction beyond the longstanding campaigners. We will keep our position under constant review.

Upcoming Trial Timetable

Court begins again on Monday 12 November with the Claimants continuing to provide witness evidence until Thursday 15 November, after which Post Office's 14 witnesses will provide evidence over the following six hearing days, with the Court only sitting on Fridays by exception.

If you have any questions please do let the copy list know, who will respond accordingly.

Kind Regards

Paula



**2017 Winner of the
Global Postal Award
for Customer
Experience**

Mark Underwood

Head of Portfolio: Legal, Risk &
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