
From: Jane MacLeod [GRO]
Sent: Thur 14/02/2019 5:45:02 PM (UTC)
To: Paula Vennells [GRO]; Alisdair Cameron [GRO]
Cc: Rob Houghton [GRO]; Owen Woodley [GRO]; Debbie K Smith [GRO]; Mohinder Kang [GRO]; Mark R Davies [GRO]; Veronica Branton [GRO]; Rodric Williams [GRO]
Subject: Postmaster Litigation - CONFIDENTIAL AND SUBJECT TO LEGAL PRIVILEGE - DO NOT FORWARD

All

We have had 2 Court hearings this week in relation to the Postmaster Litigation. Key points were:

Common Issues Judgement

- The judge advised us this morning that he is on track to deliver his draft judgement at the end of February – although he flagged that this may slip a few days. So my expectation is that we will receive the embargoed judgement between Thursday 28 February and Tuesday March 5th. As the Horizon trial starts on Monday 11th, I anticipate that the formal judgement is most likely to be handed down on Thursday 7th/Friday 8th, although this is not definitive.
- We have the next Litigation Steering Committee on Tuesday and will revisit the contingency planning in light of that timeframe.

Horizon Trial

- We had the Pre-Trial Review this morning at which the timetable for the trial was agreed as follows:
 - Monday 11th – Opening submissions (1/2 day each)
 - Tuesday 12th – Thursday 21st – non-expert witnesses. For the Claimants this includes 5 postmasters from the wider claimant group (not lead claimants), Richard Rolls (formerly of Fujitsu and the source of the remote access allegations), and Ian Henderson of Second Sight. For Post Office we have approximately 12 witnesses including Angela and other Post Office witnesses, as well as a number of Fujitsu witnesses.
 - Monday 25 – Friday 29 : the Court is not sitting due to Brexit contingency plans
 - Monday 1/4 – Friday 5/4 – expert evidence (2 1/2 days per expert)
 - w/c 8/4 – closing submissions – tbd
- Overall we are satisfied with this timetable.
- We successfully sought to restrict the evidence of Ian Henderson to matters of fact only, and not matters of 'opinion' (which would have potentially brought in commentary from the various Second Sight reports) with the judge stating that he did not expect Mr Henderson's cross examination to last more than an hour, although Nick Wallis has already tweeted that we 'lost' on this point.
- All expert evidence has now been filed and our team has been responding to the new material raised in Jason Coyne's (the Claimant's expert) supplementary statement. Based on the work done to date (which is not yet complete) we believe that there are in most cases, reasonable responses to the new issues. Rob has also commented on the issues raised, and will be meeting the Counsel team on Monday to assist with the strategic positioning.

3rd Trial

- The scope of this trial was determined at the CMC on Tuesday. The 4 week trial starting on 4 November will address breach and limitation issues using 2 of the lead claimants as examples. This will therefore address the issue as to whether these claims - which would otherwise be 'time-barred', can in fact be included. In order for the Claimants to do this, they must establish deceit, concealment or mistake by Post Office. This issue affects almost half the Claimant group.
- In addition there will also be a consideration of the measure of loss suffered by 4 of the lead claimants; that

is, how a Claimant's loss should be calculated when their contract termination involved a breach of duty by Post Office.

- The judge also set out the timetable by which the various process steps must be completed between now and November and set dates for further CMCs.
- Again, we felt that overall the CMC went well for us with the Judge's decision reflecting the orders we had requested.

4th Trial

- The Court also determined that there will be a 4th trial in March 2020 (also for 4 weeks) and has specified the process for selecting Test Claimants. The rationale for this trial will be to assess the claims of a wider group than the current six Lead Claimants.

We will update the Board and UKGI along the above lines, and the Board Litigation sub-Committee is scheduled to meet next Thursday at which the Horizon QC Tony de Garr Robinson, will provide his view of the strengths and weaknesses of the expert reports.

I can provide a further update at GE on Monday if required.

Jane



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