

From: Harvey Michael[/o=Exchange/ou=AdminGroup1/cn=Recipients/cn=HarveyM]
Sent: Thur 24/10/2013 1:38:55 PM (UTC)
To: Jones David M [REDACTED] GRO
Cc: Hooles Andrew [REDACTED] GRO [REDACTED] Roberts David [REDACTED] (LON22) [REDACTED] GRO [REDACTED] Knight Miriam [REDACTED] GRO [REDACTED]
Subject: RE: Expert on the Horizon System - Subject to Common Interest Privilege - Legally Privileged
Attachment: CONFIDENTIAL - Summary of meeting with Post Office
Attachment: RE: CONFIDENTIAL - Second Sight and expert determination
Attachment: RE: Expert on the Horizon System - Subject to Common Interest Privilege

David,

Regarding my role – I raised this with Andrew and David in early September (before the first discussions with POL on this). They are aware I am legally qualified but I have stressed my role of Commercial Director. I think formal legal assistance would be helpful and did raise whether this was classed as BAU (i.e. Chris Jay) or it was felt to me closer to a dispute and required you, Miriam etc. Note also that Jonathan Fisher has raised whether I should be doing this at all (it isn't bid work) but the account have asked that I remain in my hybrid role as it plays into the AI Tower bid (which I will be doing the commercials on)

In answer to your questions.

- I need to understand what the perceived issue is with Gareth Jenkins and the current litigation support we are contracted to provide.
This was raised by POL's external lawyers. They feel Gareth is "tainted" because he did not raise the issues of the "bugs" in his expert testimony. I disputed this in the meeting but the account is considering how to manage this view without accepting that Gareth has done anything wrong (which he hasn't).
- Have you reviewed the position on our litigation support obligations and who carries what risk over HNGX?
Don't understand the question. We have broad support obligations but ultimately they are bound by providing information and data about the system – they do not expressly reference a third party reviewing the system – it is therefore left with what is "reasonable".
- What is the trigger for this further report by PO? This must be the most reported on system!
The Second Sight audit report and the political fall out. POL's CEO did a political deal with the MP lobby to set up this mediation process – they then have gone for legal advice for how to do it – they've come up with this process which, in discussions with the account team, we believe is unworkable (even if we were willing to concede to it)
- How does this fit with the contract ending and renewal? Are we expecting to extend HNGX?
POL are in the process of our Tower procurement. The AI Tower RFP is due in November and this will encompass the current scope of the HNGX solution. We are planning to bid an evolve the current HNGX offer which could take the variant HNGX solution through to 2020 and maybe beyond. Other bidders may bid an evolve or replace strategy.
- What is the life expectancy of HNGX?
We've signed a extension to 2017. As part of our AI Tower we will bid an evolve HNGX strategy and so it depends on what you consider to be HNGX.
- I would want our team and possibly an external expert to look at the work PO are doing – I am concerned they are looking for a possible scapegoat!

OK – you can explain this in the strategy meeting.

I have been asked to set up a call for 8.30am tomorrow with Helen Lamb, James Davidson etc. and will invite you on that call.

I attach the notes on the meeting and call I subsequently received last week.

Note, **GRO** have indicated to POL that I won't be responding til w/c 4 November.

Kind regards,

Mike

From: Jones David M
Sent: 24 October 2013 13:18
To: Harvey Michael
Cc: Hoole Andrew; Roberts David (LON22); Knight Miriam
Subject: RE: Expert on the Horizon System - Subject to Common Interest Privilege - Legally Privileged

Mike

I would want to stay close to this because I have concerns about what Post Office are suggesting.

(Note that they are writing to you in your capacity as a lawyer and this needs to be your role on this if you are seeking to maintain privilege. How have you arranged to cover this in your new role?)

I think that we may need a strategy call with the account. Before then I need more info – both for this - and the advise on data migration work -

- I need to understand what the perceived issue is with Gareth Jenkins and the current litigation support we are contracted to provide.
- Have you reviewed the position on our litigation support obligations and who carries what risk over HNGX?
- What is the trigger for this further report by PO? This must be the most reported on system!
- How does this fit with the contract ending and renewal? Are we expecting to extend HNGX?
- What is the life expectancy of HNGX?
- I would want our team and possibly an external expert to look at the work PO are doing – I am concerned they are looking for a possible scapegoat!

GRO

Best wishes
David

David M Jones
Head of Legal - Dispute Resolution
Commercial, Legal & Assurance

Fujitsu
Observatory House, Windsor Road, Slough, SL1 2EY
Tel / Mob: **GRO** (or Internally) **GRO**
Fax: **GRO**
E-mail: **GRO**

From: Harvey Michael
Sent: 24 October 2013 12:18
To: Jones David M
Cc: Hoole Andrew; Roberts David (LON22)
Subject: FW: Expert on the Horizon System - Subject to Common Interest Privilege

David J,

Something we probably need to discuss. I am trying to set up a meeting with the Post Office Account team and I thought this is something we should involve you (or one of the team) with.

Kind regards,

Mike

From: Rodric Williams [mailto:[mailto:rodrick.williams@fujitsu.com](#)] **GRO**
Sent: 23 October 2013 19:17
To: Harvey Michael
Subject: Expert on the Horizon System - Subject to Common Interest Privilege

Michael,

Thank you for your time on the phone last week.

As we discussed, Post Office Limited is considering appointing an expert to prepare a report on the integrity of the Horizon Online system. I attach the Draft Scope of the work which the expert may be asked to undertake, along with the CVs of two potentially suitable experts, [\[redacted\]](#) **GRO** [\[redacted\]](#)

In order to progress this, it seems sensible to have a meeting to discuss how Fujitsu can work with Post Office Limited to achieve the aims set out in the Draft Scope. This meeting would be attended by a member of the law firm we use to prosecute alleged criminal conduct.

If you agree, could you please let me know when we could meet (ideally as soon as possible), and whether you think it would be useful to have a technical person from Post Office at the meeting. I can then look to fix attendees, agenda etc.

We also discussed the possibility of us sharing with you the advice we have received on the evidence which Gareth Jenkins has previously provided in support of Post Office Limited criminal prosecutions. I hope to be able to provide you with a substantive response on that request very shortly.

I look forward to hearing from you. Thanks for your support.

Kind regards, Rodric

Rodric Williams | Litigation Lawyer



148 Old Street, LONDON, EC1V 9HQ



GRO

Postline: [\[redacted\]](#) **GRO** [\[redacted\]](#)



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