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**From:** David Oliver1 [GRO]  
**Sent:** 24/03/2014 14:27:40  
**To:** Swil, Jonathan [/O=LAW/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=Jswil]; Chris Aujard [GRO]; Belinda Crowe [GRO]; Amanda A Brown [GRO]  
**CC:** Band, Christa [/O=LAW/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=Cband]; Rodric Williams [GRO]  
**Subject:** RE: Draft report

Jonathan,

I discussed with Chris a call tomorrow would be very helpful. **Amanda** – are you able to sort a time?

Chris suggested he would not go to all of the mediation sessions so that would create some flexibility.

Thanks

David

**David Oliver**  
**Programme Manager**  
**Initial Complaint and Mediation Scheme**

**GRO**

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**From:** Swil, Jonathan [mailto:[GRO]]  
**Sent:** 24 March 2014 12:23  
**To:** Chris Aujard; Belinda Crowe  
**Cc:** Band, Christa; Rodric Williams; David Oliver1  
**Subject:** RE: Draft report

Chris, Belinda

In preparation for Christa's presentation to the Board on Wednesday, we were wondering if you would like to set up a call to discuss how you would like Christa to approach the meeting and what she can expect on the day.

Kind regards

Jonathan

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**From:** Swil, Jonathan  
**Sent:** 20 March 2014 15:17  
**To:** 'Belinda Crowe'  
**Cc:** David Oliver1 [GRO]; Band, Christa; Chris Aujard [GRO]; Rodric Williams [GRO]  
**Subject:** RE: Draft report

Belinda

Please see attached a final clean copy amended as requested.

Kind regards

Jonathan

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**From:** Belinda Crowe [[mailto:](#) GRO]  
**Sent:** 20 March 2014 15:04  
**To:** Swil, Jonathan; Rodric Williams  
**Cc:** David Oliver1; Chris Aujard; Band, Christa; Belinda Crowe  
**Subject:** RE: Draft report

Thanks Jonathan, having discussed with Rod, could I suggest, for clarity, one change to the end of para 5.47 as below:

We include this point not because it impacts on the legal liability to repay losses *per se* but because such a practice would narrow very considerably, or remove completely, the scope for argument as to whether a SPMR was negligent, careless or in error in relation to any losses shown to exist a SPMR to argue that a particular loss was caused by something other than his own negligence, carelessness or error, and therefore not recoverable from him.

Also could I ask you to remove the track change to the footer and insert 'Subject to Legal Professional Privilege' on the cover and send me a final clean copy which I can submit to the Board.

Thanks  
Belinda

**Belinda Crowe**  
148 Old Street, LONDON, EC1V 9HQ

# GRO

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**From:** Swil, Jonathan [[mailto:](#) GRO]  
**Sent:** 20 March 2014 14:19  
**To:** Rodric Williams  
**Cc:** Belinda Crowe; David Oliver1; Chris Aujard; Band, Christa  
**Subject:** RE: Draft report

All

I attach the report and a mark-up showing the comments from Chris and Belinda, and further comments from Rodric discussed with me over the phone. We will send this version to Richard Morgan for his comment by Monday, on the assumption it is the version that will now be sent to the Board.

Kind regards

Jonathan

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**From:** Rodric Williams [[mailto:](#) GRO]  
**Sent:** 20 March 2014 12:17  
**To:** Swil, Jonathan; Chris Aujard; Belinda Crowe  
**Cc:** David Oliver1; Band, Christa  
**Subject:** RE: Draft report

Hi – could you hold on for another 30 mins while I finish my review (nothing material to add thus far!).

Thanks, Rodric

Rodric Williams I Litigation Lawyer

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148 Old Street, LONDON, EC1V 9HQ

**GRO**

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**From:** Swil, Jonathan [[mailto:](#) **GRO**]  
**Sent:** 20 March 2014 12:12  
**To:** Chris Aujard; Belinda Crowe  
**Cc:** David Oliver1; Band, Christa; Rodric Williams  
**Subject:** RE: Draft report

Thanks Chris.

Are there any other comments? Otherwise, I will make that change and send through a final version.

Kind regards

Jonathan

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**From:** Chris Aujard [[mailto:](#) **GRO**]  
**Sent:** 20 March 2014 11:34  
**To:** Swil, Jonathan; Belinda Crowe  
**Cc:** David Oliver1; Band, Christa; Rodric Williams  
**Subject:** RE: Draft report

Thanks Jonathan – I have had a quick read, and my sense is that this is much more in line with what the Board are expecting to see. I have no substantive comments, other than to suggest that it may be better to position paragraph 4 (Exec Summary) right at the very front of the report, as a paragraph 1. Others may have additional comments, but I will leave it to them to get back to you directly. Thanks Chris

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**From:** Swil, Jonathan [[mailto:](#) **GRO**]  
**Sent:** 20 March 2014 11:06  
**To:** Chris Aujard; Belinda Crowe  
**Cc:** David Oliver1; Band, Christa  
**Subject:** RE: Draft report  
**Importance:** High

Chris, Belinda

I attach a final version of the report and a mark-up showing the changes we have made to address your comments below.

Given the time available we have not had a chance to run the report by Richard Morgan. We will do so now and should have any comments back from him before the Board meeting.

Kind regards



Jonathan

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**From:** Belinda Crowe [mailto:  
**Sent:** 20 March 2014 09:40  
**To:** Swil, Jonathan  
**Cc:** Band, Christa; David Oliver1; Belinda Crowe; Chris Aujard  
**Subject:** RE: Draft report

Jonathan

Further to our conversation, in addition we may have a few more minor points but I have a couple:

1. In 5.33 you refer to SS's working relationship with JFSA and Post Office. I do not think it is that SS have a good working relationship with JFSA and not the Post Office, I think it is more the slant of their report in terms of acknowledging the input from JFSA rather than Post Office. The wording of the Interim report suggests that their work was aimed at addressing issues raised through JFSA rather than the fundamental question about Horizon. Or put another way, JFSA fed in accusations and concerns about which SS then challenged Post Office. I agree the conclusion about the idiosyncratic nature of the SS approach.
2. In 511, could you refer to 150 applications that have been made to the Scheme. The reason for this is that the 137 represents a figure, which changes often, is the number of cases left in the Scheme and may not be a figure that the Board recognises.

Best wishes  
Belinda

**Belinda Crowe**  
148 Old Street, LONDON, EC1V 9HQ



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**From:** Chris Aujard  
**Sent:** 20 March 2014 00:19  
**To:** Swil, Jonathan  
**Cc:** Band, Christa; David Oliver1; Belinda Crowe  
**Subject:** RE: Draft report

Hi Jonathan – my detailed comments are set out in the attached. Two big points, though:

- 1) The intro section needs to be re-worked a bit to make it clear that this report focuses mainly on the legal liability point, and that you will be working with us in relation to alternative structures (and may be not even producing a report). The reason for this is that some board members think that the task of coming up with alternatives to the scheme should be an internally driven bit of work, not something that is outsourced to a law firm.
- 2) The executive summary is still pretty long, and doesn't hit the reader between the eyes with what I understand to be your main conclusion – namely: Unless there is something wrong with the system, we are entitled to rely on the accounts produced by Horizon as the basis of claiming sums of money from SPMRs. Further that there can be no question of a claim for consequential losses based simply on the recovery by the Post Office of losses if the losses were properly payable and the Post Office was entitled to the money.

These 2 statements together are quite powerful, and need to be brought out clearly, and it also needs to be said that in consequence the amounts that could be successfully claimed in court are a fraction of the aggregate amounts (c£100m) that has been claimed under the scheme.



I would be most grateful if you could turn this round asap in the morning.

Cheers

Chirs

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**From:** Swil, Jonathan [mailto:[jonathan.swil@linklaters.com](#)] **GRO**  
**Sent:** 19 March 2014 21:58  
**To:** Chris Aujard  
**Cc:** Band, Christa; David Oliver1; Belinda Crowe  
**Subject:** Draft report  
**Importance:** High

Chris

As discussed, I attach our draft report on the legal issues.

There is a factual question that we would like you to confirm in paragraph 5.22 (and a related question in 5.37), but otherwise please provide any comments you may have in the time available and we will send through a finalised version as soon as possible in the morning.

In the interests of time, I have left in the outline of "Part B" of the report in this document so that, as requested, you can see where that part is headed. I will remove it (i.e. everything from section 6 onwards) in the final version for the Board we send through tomorrow.

Kind regards

**Jonathan Swil**  
*Managing Associate (Solicitor, New South Wales)*  
**Linklaters LLP, London**

**GRO**

[jonathan.swil@linklaters.com](mailto:jonathan.swil@linklaters.com) **GRO**  
<http://www.linklaters.com>

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