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Sent: Thur 16/05/2019 7:57:25 AM (UTC)
To: MPST.Tolhurst [REDACTED] GRO
Subject: POL litigation

Kelly

I gather you mentioned a couple of things to the team after the meeting with POL yesterday. One being what happened at the Board in relation to the legal advice. The other that you're concerned about the leadership at the company.

Litigation

On the legal front, I can say that my concerns about how it was being handled go back to last summer. I wasn't happy with the meeting the company had with you and Alex last October. This was followed up by a very critical ruling from the judge a few months later following which I spoke to Tim and Paula to say that I felt there needed to be a major change of approach. Our interaction to the legal team at POL wasn't limited to the litigation - in general we found the chief counsel wasn't easy to deal with and I had passed feedback to the management and Tim on various occasions.

Things came to a head after the common issues judgement when it became totally clear - I think to everyone on the Board - that there needed to be a change of personnel. This led to Jane MacLeod - Chief Counsel - leaving the Company and Herbert Smith being appointed to run the litigation reporting to the Board.

Because there was little time to make the change it wasn't discussed in a full Board meeting. The process was handled by Tim, Al and me with Tim speaking bilaterally to the rest of the Board to agree the decision. I don't believe the decision itself was in any way controversial.

This is my perspective of what happened. Of course I can't speak to what other conversations took place between other Board members and the Board and management.

As a NED I can only influence things and I'm learning that usually the same point needs to be repeated several times before it lands. I'm also not always right either.

So overall I'm glad the changes have been made and I think we should be satisfied with them for now. We are seeing a change of approach as a result. I only wish it had happened several months ago - before the Common Issues trial.

Leadership

It's very important for me to understand what's on your mind here. Could we discuss face to face?

Tom

Sent from my iPhone