
From: Cooper, Tom - UKGI[O=HMT/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8D968D43E33749AE9E59F9C9350E69D5-COOPER, THOMAS (TCOO)]
Sent: Fri 10/05/2019 7:11:19 AM (UTC)
To: Ben Foat[REDACTED]
Cc: Rodric Williams[REDACTED]; Alisdair Cameron[REDACTED]; Watts, Alan[REDACTED]; Massey, Kirsten[REDACTED]; Henderson, Tom[REDACTED]
Subject: Re: Group Litigation - Legally Privileged and Highly Confidential

Thanks Ben
On 2 that's spot on.

On 1 I was looking for something a little different at this stage.

For the 20 implied terms I'm hoping just to get a simple list along the following lines:

| Item. | Implied term. | Covered by Necessary Cooperation |
|---------------|-------------------|----------------------------------|
| 1. Training | Outline the term. | Yes |
| 2. System. | Outline the term. | Yes |
| 3 etc Others. | Outline the term. | Yes/no/comment |

I hope this is clear - not easy on an iPhone! I can call you to describe it better.

The reason I'm asking for this is really to discover at high level how big the differences are between the parties - what are we really arguing about when it comes to the contract? My feeling is that when it comes to some of the major areas eg liability clause, training, accounting system, handling disputed items, there isn't actually that much between the parties.

I'm hoping this is a fairly simple exercise to do. Please tell me if it isn't.

Tom

Sent from my iPhone

On 9 May 2019, at 20:37, Ben Foat <[REDACTED]> wrote:

Hi Tom

I wanted to drop you a quick note, following our Board Subcommittee earlier today, to acknowledge the important issues that you raised which we will progress in parallel to this appeal work including:

1. Operationalising "Necessary Cooperation" – whilst I appreciate the legal view that inherent in this legal concept is its vagueness, that answer is not particularly helpful to the business. The working group needs to work through what necessary cooperation means operationally to Post Office (specifically across the agent life cycle). I would propose to have the working team map out "categories" of operational processes where this necessary cooperation could apply and what that means. I understand that some of this work was undertaken when POL considered how necessary cooperation could interact with the Claimants' implied terms. My understanding is that you are not looking for "war and peace" but a sensible summary of how necessary

cooperation is to apply across Post Office’s operations.

- 2. Claimant Case Summaries – it would be helpful to provide you with not just a summary of the relevant facts pertaining to each claimant but also what the trial judge’s position is and what are our honest version of the facts.

Thanks again for raising these point which we will take forward but please do let me know if I have not captured the request properly or if you would like to discuss.

Kind regards
Ben

<image001.png>

Ben Foat

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Highly Commended for 'Excellence In-house' at the Law Society Excellence Awards 2018 Mobile number: GRO

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