

Message

From: Tim Parker
on behalf of Tim Parker
Sent: 28/11/2019 14:54:57
To: Ben Foat
Subject: Re: GLO - Mediation Update - Highly Confidential and Legally Privileged

GRO

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Thanks, Ben. Let me know if there are any significant developments.

Best

Tim

Tim Parker

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National Trust
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GRO

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GRO

From: Ben Foat
Sent: Thursday, November 28, 2019 1:38:43 PM
To: Tim Parker
Subject: FW: GLO - Mediation Update - Highly Confidential and Legally Privileged

GRO

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Hi Tim

I thought you might appreciate an update on the mediation. It is still going but below is a quick summary of where we are currently.

Kind regards
Ben



Ben Foat
Group General Counsel
Ground Floor
20 Finsbury Street
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GRO

From: Ben Foat <[REDACTED]>
Sent: Thursday, November 28, 2019 11:19:46 AM
To: Cooper, Tom - UKGI <[REDACTED]>; Aldred, Tom - UKGI <[REDACTED]>; Watson, Richard - UKGI <[REDACTED]>
Cc: Nick Read <[REDACTED]>; Rodric Williams <[REDACTED]>; Patrick Bourke <[REDACTED]>; Watts, Alan <[REDACTED]>; Emanuel, Catherine <[REDACTED]>; Amanda Jones <[REDACTED]>; Debbie.K Smith <[REDACTED]>; Alisdair Cameron <[REDACTED]>
Subject: GLO - Mediation Update - Highly Confidential and Legally Privileged

All,

By way of brief update on the mediation proceedings:

- No offers have been made by either side so far.
- Much of yesterday was treated as a cathartic exercise for the Claimants who attended to tell their stories (the Claimants in attendance were Jo Hamilton, Mohammad Sabir, Pam Stubbs, Rajinder Bilkhu and Louise Dar. Alan Bates joined via video link but did not contribute). In summary:
 - Following private discussions with the mediators, there was a plenary session with all the parties.
 - The Claimants' Counsel, Patrick Green QC, focussed on the importance of Post Office making a concrete, good faith commitment to settle the GLO.
 - We then heard from the five Claimants in attendance who talked in general but emotional terms about their experiences with Post Office and highlighted their grievances.
 - Nick Read responded at various points on behalf of Post Office, emphasising how useful it had been to listen, the impact of the Claimants' personal stories and made clear Post Office's commitment to improve the lot of SPMs under his stewardship.
 - Nick and Amanda Jones also met separately with the five Claimants and the mediators to listen further.
 - We then met again with all the parties to hear about the Claimants' case. I responded for Post Office.
- In between meeting with the Claimants, we met on several occasions with the mediators. Key points arising were:
 - Although no offers have been tabled or numbers shared, we have taken time to explain to the mediators in principle how our starting number will be made up so that they understand the source and reliability of our data. The focus of the discussions has been about the principles behind the post termination loss numbers (and in particular the periods payable), who may and may not be entitled to claim such losses, liability for shortfalls and settlements.
 - Views were expressed on the viability of the claim for litigation funding.
 - The Claimants have certain "soft asks" on matters such as suspended claimants, bankrupt claimants, "exiteers" (i.e. those who wish to exit), comfort on Post Office's dealings with the CCRC, and a joint "apology-type" statement. We will hear more about those shortly/ later this afternoon.

- The mediators have privately expressed the view that the availability of any settlement will depend on the funders' willingness to take a haircut. A lawyer by the name of Maria James from AmTrust (an ATE insurer who invests in Therium) is present.
- We expect to be a position to make an offer shortly, TBD. We are likely to position this as (a) the lawyers recommending a low, but legally a reasonable and rational offer by reference to the principles discussed; but (b) Nick on behalf of Post Office insisting on a higher offer as a gesture of good faith. We hope that this process will warm the Claimants' solicitors up to the true value of the claims should P36 offers be made.

We will keep you updated when it is likely that offers will begin.

Kind regards
Ben



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