

**THE POST OFFICE GROUP LITIGATION**

Claim No. HQ16X01238, HQ17X02637  
& HQ17X04248

**DATED 24<sup>TH</sup> DAY JULY 2019**  
**IN THE HIGH COURT OF JUSTICE**  
**QUEEN'S BENCH DIVISION**

**BEFORE: The Hon. Mr Justice Fraser**

**BETWEEN:-**

**ALAN BATES & OTHERS**

**Claimants**

**- and -**

**POST OFFICE LIMITED**

**Defendant**



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**ORDER FOR DIRECTIONS**  
***Case Management Conference on 23 July 2019***

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UPON the Court ordering on 12 April 2019, by consent of the parties, that the directions at paragraphs 3.4 to 20.2 of the Order dated 12 February 2019 (the "Seventh CMC Order") be stayed

AND UPON hearing Leading Counsel for the Claimants and Counsel for the Defendant at a Case Management Conference on 23 July 2019

**IT IS ORDERED that: -**

**Disclosure for Further Issues Trial - Stage 4 Disclosure**

1. By 4pm on 30 August 2019, the parties shall disclose and make available for inspection any hard copy and electronic documents it is agreed or ordered are to be disclosed in accordance with the requirements of paragraph 3 of the Seventh CMC Order.

**Further Issues Trial - variation**

2. Part A to the Schedule to the Seventh CMC Order is varied so that Further Issue (2) is defined as set out in the Schedule to this Order.

3. The Further Issues Trial listed to commence on 2 March 2020 shall be for the purpose of determining Further Issue (2) only, with a time estimate of 3 weeks, and not for the purposes of determining Further Issue (1), which shall be determined at a later stage in the Group Litigation.

**Limited Individual Statements of Case - Further Issues Trial**

4. In relation to each selected Lead Claimant and, in relation to Further Issue (2)(as varied by this order) only:
  - 4.1. By 4pm on 25 October 2019, the Lead Claimants Mrs Stubbs, Mr Abdulla, Mr Bates and Mrs Stockdale shall file and serve Individual Particulars of Claim on Further Issue (2), particularising the basis upon which their losses are claimed;
  - 4.2. By 4pm on 25 November 2019, the Defendant shall file and serve individual Defences thereto; and
  - 4.3. By 4pm on 9 December 2019, the Lead Claimants shall file and serve any Individual Replies.

**The assumed facts**

5. By 4pm on 2 December 2019, the parties shall seek to agree a document setting out the assumed facts upon which Further Issue (2) is to be determined, as provided by paragraph 2 of the Schedule to the Seventh CMC Order. In the event of lack of agreement on those facts which are to be assumed by the court, further directions will be given.

**Case Management Conferences and Pre-trial review**

6. The Case Management Conference currently listed to take place on 18 September 2019 pursuant to paragraph 8 of the Seventh CMC Order is vacated.
7. A Case Management Conference shall take place on 7 November 2019 at 10.30am, time estimate 1 hour, unless the parties notify the Court in accordance with paragraph 9 of the Seventh CMC Order that it is not required.
8. A Case Management Conference shall take place on 4 December 2019 at 10.30, time estimate 2.5 hours, for the purposes of:

- 8.1. resolution of any outstanding issue as to the assumed facts upon which Further Issue (2) is to be determined; and
  - 8.2. any further outstanding matter relating to the trial of Further Issue (2).
  - 8.3. other issues as to case management of these proceedings.
9. A Pre-Trial Review shall take place on 23 January 2020 at 10.30am, time estimate 2.5 hours.
10. The parties shall comply with paragraphs 9 (notification if the CMC is to be vacated), 10 (Skeleton Arguments) and 11 (bundle for the CMC) of the Seventh CMC Order.

#### **Costs Management**

11. A Costs Management Conference shall be listed for 23 October 2019 at 10.30, time estimate 2.5 hours, at which the parties' costs budgets shall be reviewed in accordance with the terms of the Consent Order dated 27 April 2018 (the "Costs Consent Order").
12. In accordance with paragraph 11 of the Costs Consent Order:
  - 12.1. by 4pm on 2 October 2019, the parties shall file and exchange updated costs budgets; and
  - 12.2. by 4pm on 16 October 2019, the parties shall file and exchange budget discussion reports in respect of those updated budgets.
13. The updated budgets to be filed and exchanged as above shall be:
  - 13.1. produced in the same format as costs budgets that have previously formed the subject of Costs Management Orders in these proceedings; and
  - 13.2. updated to include the parties' incurred and estimated costs, as at 2 October 2019, for the Further Issues Trial, distinguishing those costs from the costs of the Common Issues and Horizon Issues Trials and distinctly identifying the same.
14. In addition to the updated budgets, the parties are to lodge with the court by 4pm on 16 October 2019 (by solicitors' letter or in summary schedule form) the following totals, for information only (and to the nearest round £1,000).
  - 14.1. The total amount of costs expended on the Common Issues;



- 14.2. The total amount of costs expended on the Horizon Issues;
- 14.3. The total amount of costs expended on the Recusal Application;
- 14.4. The total amount of costs expended on any other aspects of the Group Litigation, that does not fall within any of items 14.1 to 14.3 above.

**Selection Criteria for Test Claimants for Further Trials**

- 15. By 4pm on 27 November 2019, the parties shall serve and file their proposed Selection Criteria for Test Claimants for further trials.

**Lift of stay and variation of directions in Seventh CMC Order**

- 16. The stay on directions ordered on 12 April 2019 is lifted and the requirements of paragraphs 3.4 to 8 and 12 to 20.2 of the Seventh CMC Order are superseded by the directions set out in this Order.

**General**

- 17. The parties have liberty to apply to vary any part of this Order.

**Costs**

- 18. The costs of attending the CMC on 23 July 2019 (including the costs of preparation of this Order) be Common Costs in the case.

**DATED this 24<sup>th</sup> day of July 2019**

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**- and -**

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**Defendant**

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**SCHEDULE**

***To Order for Directions dated 23 July 2019***

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**Further Issue (2): Measure of Loss**

- (1) In any case where a Claimant's contract's termination may be determined to have involved a breach of duty by Post Office, what is the correct measure of loss?***
- (2) Where a Claimant alleges loss caused by other breaches of duty by the Post Office, on the assumed basis that such breach has occurred and such loss sustained, in the case of each head of loss:***
  - a. Is such head of loss recoverable in principle?***
  - b. If so, what is the correct measure of loss?***