

From: Aldred, Tom - UKGI
Sent: Wed, 3 Jul 2019 11:52:05 +0000
To: MPST.Tolhurs; GRO
Cc: Carl.Creswel; GRO; Watson, Richard - UKGI; beth.white; GRO; eleanor.beal; GRO; Cooper, Tom - UKGI; Annabelle.Miles; GRO; Clarke, Stephen - UKGI; Adegun, Oluwatosin - UKGI; Cole, Alex - UKGI; Culshaw, Robin - UKGI
Subject: Fwd: Post Office Group Litigation - Update on Horizon Issues Trial - SUBJECT TO LEGAL PRIVILEGE - DO NOT FORWARD

Gordon

See below as requested

Tom

Sent from my iPhone

Begin forwarded message:

From: "Watson, Richard - UKGI" <GRO>
Date: 1 July 2019 at 08:30:30 BST
To: "Clarke, Stephen - UKGI" <GRO>, "Aldred, Tom - UKGI" <GRO>
Cc: "Cooper, Tom - UKGI" <GRO>, "Culshaw, Robin - UKGI" <GRO>
Subject: Fw: Post Office Group Litigation - Update on Horizon Issues Trial - SUBJECT TO LEGAL PRIVILEGE - DO NOT FORWARD

Sent from my BlackBerry — the most secure mobile device

From: rodric.williams; GRO
Sent: 30 June 2019 10:29 pm
To: Richard.Watson; GRO; Robin.Culshaw; GRO
Cc: Ben.Foat; GRO; Tom.Cooper; GRO
Subject: RE: Post Office Group Litigation - Update on Horizon Issues Trial - SUBJECT TO LEGAL PRIVILEGE - DO NOT FORWARD

Thanks Richard. I set out below a summary of the Closings, which I had prepared for our internal purposes in any event:

The Claimants' Closings:

- maintain the narrative that Post Office has concealed problems with Horizon and not provided adequate disclosure;

- do not directly answer whether they consider Horizon to be robust, but assert that robustness can only be considered once identified bugs and remote access have been considered;
- assert the experts' appraisal of Horizon was hampered by the lack of a proper problem management system, the difficulty in piecing together documents relating to bugs, and Post Office / Fujitsu's lack of information and candour on the issues;
- nonetheless claim there to be a "significant and material risk" that Horizon bugs could have caused shortfalls in branches;
- assert that their expert Mr Coyne's "*bottom-up*" approach to the Horizon Issues (i.e. considering individual incidents) was correct and preferable to Dr Worden's "*top-down*" approach (i.e. looking at the system as a whole);
- criticise Dr Worden's credit and reliability, including his statistical analysis which is said to be outside his expertise and contained fundamental errors, but still note he estimated that Horizon could have between 145 and 672 bugs which caused financial impact;
- criticise Post Office for relying on hearsay evidence, i.e. using witnesses who rely on and consolidate the evidence of others rather than calling each witness individually, e.g. Mr Godeseth referring to evidence obtained from Gareth Jenkins on Legacy/pre-2010 Horizon;
- invite the Court to make findings about the facts of the individual Claimants' evidence, despite this seemingly being out of scope for the trial (e.g. Mr Tank's purported difficulties with postage labels).

For Post Office, our Closings:

- seek to keep the primary focus on the expert evidence rather than that of individual Claimants, which is of limited utility in a trial of generic issues;
- emphasise that the experts agree that Horizon is robust relative to comparable systems, well supported, no design flaws have been identified, and that despite diligent efforts, few bugs have been identified which might impact branch accounts, such that the Claimants have not made out their case that Horizon is unreliable;
- on the experts, note that Mr Coyne's "deep focus" on identifying individual problems meant his evidence lacked balance and did not acknowledge any positive aspects of Horizon, whereas Dr Worden had sought to assist the Court in a balanced way, adjusting factors in the Claimants' favour where appropriate;
- deal with each witness's evidence in detail, focussing on (from the Claimants' witnesses) Richard Roll and the parts of his cross-examination helpful to Post Office's case, and (from Post Office's witnesses) Torstein Godeseth, where we seek to correct some of the odd answers he gave while accepting that his evidence was unsatisfactory;
- address in the appendices each of the bugs raised in Mr Coyne's second/"supplemental" report filed c.1 month before the trial began, and which could not be addressed individually through cross-examination in the time-limited trial;
- address the Claimants' complaints about disclosure head on, noting that despite the difficulties in providing disclosure against the Claimants' unclear and changing case, Post Office had disclosed 517,965 documents (the Claimants only 1,535) and the Claimants had made no complaint about

the disclosure through the Court's processes prior to trial, despite ample opportunity to do so.

Will you be attending Court for the Closing submissions?

Kind regards, Rod

From: Watson, Richard - UKGI [GRO]
Sent: 27 June 2019 20:42
To: Rodric Williams <[GRO]>; Culshaw, Robin - UKGI
<[GRO]>
Cc: Ben Foat <[GRO]>; Cooper, Tom - UKGI
<[GRO]>
Subject: Re: Post Office Group Litigation - Update on Horizon Issues Trial -
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Thanks Rod

If you are preparing a summary anyway fine but don't do one just for UKGI.

Kind regards

Richard

Sent from my BlackBerry — the most secure mobile device

From: rodric.williams [GRO]
Sent: 27 June 2019 6:27 pm
To: Richard.Watson [GRO]
Cc: Ben.Foat [GRO]
Subject: Post Office Group Litigation - Update on Horizon Issues Trial - SUBJECT TO LEGAL
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**Post Office Group Litigation - SUBJECT TO LEGAL PRIVILEGE - DO NOT
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Richard, Robin,

I attach the parties' written Closing Submissions on the Horizon Issues trial, which were filed earlier today. The parties' oral submissions will be delivered to the Court on Monday 1 July 2019 (for the Claimants) and Tuesday 2 July 2019 (for Post Office), concluding the trial.

Given the length of these documents, I aim to forward to you tomorrow a summary of their content. Please let me know if you need anything further in the meantime.

Kind regards, Rodric



Rodric Williams
Head of Legal - Dispute Resolution & Brand

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