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30 September 2019

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Dear Sirs

Alan Bates & Others v Post Office Limited Post Office Group Litigation Horizon Issues Trial Disclosure

We refer to your second letter dated 27 September 2019.

Our understanding from reading your letter is that you do not take issue with the disclosure we have provided, nor the timing in which ~~we have provided them~~ this disclosure was provided. Should you wish to file any submissions on these documents, then that is a matter for you and your clients. Please however find below responses to the matters raised in your letter.

1. Previous draft of KELs

We enclose with this letter a copy of the documents as received by Paul Smith of Post Office from Fujitsu on 3 and 9 September 2019. This should clarify for you which documents relate to the 12 issues we refer to in our second letter dated 25 September 2019.

2. Peaks and KELs referred to

It is these 12 documents on which we requested and provided copies of any Peaks and KELs referred to. For example, BattleN5341P refers to PC0261948 and PC0279457. PC0261948 had already been disclosed to you (POL-0429543) and PC0279457 had not been, therefore we requested and provided this to you by way of our 25 September 2019 letter. The example you have given, PC0278614 is a Peak referred to in spar1458P, one of the documents that relates to the 12 issues. The Peak was therefore provided to you because it is referred to in that document and had not previously been disclosed.

2.3. Previously disclosed KELs

In respect of your point that any intervening dates of changes to KELs are not captured, nor any changes which have been made (or made and then subsequently revised) on the face of the documents, you have already been made aware of this position in our client's Electronic Documents Questionnaire dated 6 December 2017 (C9/1/46). In it, Post Office explained that "[t]he KEL only contains the current database entries and is constantly updated and so the current version will not necessarily reflect the version that was in place at the relevant time. The previous entries / versions of the current entries are no longer available". Had you wanted to take issue with this, you should have done so before now.

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Commented [ALP11]: Do we want to expressly say that POL has an adverse disclosure obli which is ongoing and disclosure was provided in line with that obligation?

Commented [ALP12]: What about documents rec'd on 13 September?

Did Paul receive any other copies of the KELs other than the documents rec'd on 3, 9 and 13 September which also need to be disclosed?

Freeths are also going to ask for the draft version of the proposed process flow which was sent to Martin Godbold on 7 Aug 2019 (see email chain from Paul Smith) – do we want to get this now?

Commented [ALP13]: Why do these earlier draft documents clarify which of the 12 issues the previously disclosed document relate to? Should this clarification point be a separate point from the disclosure of the draft documents?

Commented [ALP14]: Lucy – sorry I don't understand the first sentence. Is it the case that there are no further documents to be disclosed as we have already disclosed all of the Peaks and KELs referred to in the adverse documents?

Commented [ALP15]: Are we going to be providing disclosure of the Peaks and KELs referred to in the adverse documents which have not yet been disclosed? I think this is what Freeths are requesting disclosure of.

Commented [ALP16]: This needs double-checking with FJ

4. Flowchart

The flowchart was provided to you to give you some context as to why we are disclosing these documents at this stage. It shows how issues in Horizon are being dealt with, as is evident on its face.

Commented [ALP17]: And because it was an adverse document?

Yours faithfully

Womble Bond Dickinson (UK) LLP