

**From:** Amy Prime [GRO]  
**To:** Rodric Williams [GRO], "Emanuel, Catherine"  
[GRO], "Lerner, Alex" [GRO]  
**Cc:** Andrew Parsons [GRO], Lucy Bremner [GRO]  
[GRO], Jonathan Gribben [GRO]

**Subject:** RE: Horizon disclosure [HS-London\_11.FID2156898] [WBDUK-AC.FID26896945]

**Date:** Tue, 1 Oct 2019 17:42:19 +0000

**Importance:** Normal

**Attachments:** \_LETTER\_158088468(1)\_Letter\_to\_Freeths\_1\_Oct\_2019\_-\_HIT\_Disclosure\_-\_Revised\_with\_KEL\_wording.DOCX

**Inline-Images:** image001.png; image002.png; image003.png; imagecb0eb8.PNG; image125bf0.PNG; image72cefa.PNG

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All

Further to the draft letter, we have learnt from FJ this morning that the below statement contained with Post Office's EDQ is factually incorrect, with the correct position being that previous versions of the KELs are held within the KEL database and are available.

*"The 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.**" (emphasis added)*

We have spoken with FJ today to double-check the position and they have confirmed that when FJ revise the contents of an existing KEL they would not overwrite the KEL but take a copy of it, make the changes and save as a new document. The previous versions of the KELs would be kept for version control and sit underneath the latest KEL.

Advice has been sought from Simon Henderson (Horizon Trial Junior Counsel) on the disclosure of these documents, who recommends that since the judgment is imminent and given the importance of KELs to the trial, Post Office should not delay in bringing the existence of the previous versions of the KELs to the attention of the Cs, with a detailed explanation of the circumstances to follow urgently. It should be noted that Simon's view is that this is going to very uncomfortable for Post Office, with the worst outcome being that the Judge seeks further expert evidence from Coyne/Worden as to whether these previous versions of the KELs impact upon their evidence.

In light of Simon's advice, we would therefore recommend that the letter to Freeths be amended to explain that as a result of our investigations into responding to Freeths' queries the existence of these documents was brought to our attention, and that we were previously under a misapprehension. A further letter would then follow as soon as possible which explains the circumstances and the proposals for providing disclosure of these documents. Please find attached an amended letter which reflects this position.

Further, Counsel advises that we should seek to adopt a tone that shows Post Office are as annoyed with FJ about the late knowledge of these documents as the Cs are. This is of course a sensitive matter and further consideration needs to be given to whether this position is adopted given the ongoing commercial relationship with FJ.

Given the sensitivity surrounding disclosure of the KELs, we will be setting up a call with Tony Robinson QC tomorrow to discuss this matter and the invite will be extended to all on this email chain.

If there are any questions on the recommended approach, please feel free to call.

Kind regards

Amy

**Amy Prime**  
Associate  
Womble Bond Dickinson (UK) LLP

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**From:** Lerner, Alex <GRO>  
**Sent:** 01 October 2019 15:19  
**To:** Andrew Parsons <GRO>; Rodric Williams  
<GRO>; Emanuel, Catherine <GRO>  
**Cc:** Lucy Bremner <GRO>; Jonathan Gribben <GRO>;  
Amy Prime <GRO>  
**Subject:** RE: Horizon disclosure [HS-London\_11.FID2156898]

Hi Andy

Thanks for this. My comments attached. Happy to discuss any questions/queries by phone if that is the quickest way of getting this out. I am at my desk.

Kind regards

Alex

Alexander Lerner

Senior Associate, Dispute Resolution

Herbert Smith Freehills LLP

T **GRO** M **GRO**

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**From:** Andrew Parsons <**GRO**>  
**Sent:** 01 October 2019 09:05  
**To:** Rodric Williams <**GRO**>; Emanuel, Catherine  
<**GRO**>; Lerner, Alex <**GRO**>  
**Cc:** Lucy Bremner <**GRO**>; Jonathan Gribben <**GRO**>;  
Amy Prime <**GRO**>  
**Subject:** Horizon disclosure

All

Please find attached the draft response to Freeths' recent letter on disclosure for your approval. All comments welcomed.

Kind regards

Andy

**Andrew Parsons**

Partner  
Womble Bond Dickinson (UK) LLP

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