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Dear Sirs

**Post Office Group Litigation
Horizon Issues Trial Disclosure**

Thank you for your second letter dated 27 September 2019.

In order to enable the expert reports, joint statements and bug table to be finalised and used at trial it was obviously necessary to have cut-off dates on the basis of which these documents were prepared. The parties proceeded on the basis that the expert reports, the joint statements and the bug table covered only KELs which had been disclosed by January 2019 and Peaks which had been disclosed by October 2018. The documents disclosed on 25 September indicate that 13 issues in Horizon have arisen in the intervening time. We welcome the fact that you *"do not contend that these documents should have been disclosed significantly earlier than they were."*

Turning to the matters raised in your letter.

1. Previous drafts of the 12 documents relating to 12 issues

As requested, we enclose with this letter a copy of the versions of the documents which had been received by Paul Smith of Post Office from Fujitsu on 3 and 9 September 2019.

The 13 September 2019 versions were provided to us on 16 September 2019 and were disclosed to you under cover of our second letter dated 25 September 2019. As explained in that letter, these documents related to 12 issues and there was a further document relating to a thirteenth issue which was provided to us on 23 September 2019. This was also disclosed, along with the Peak referred to therein: for the avoidance of any doubt, no earlier versions of this document had been received by Paul Smith.

What we disclosed on 25 September 2019 was 13 KELs relating to the 13 issues that had arisen, plus any Peaks or KELs referred to in those KELs.

For example, BattleN5341P is one of the KELs that relates to the 12 issues. That document refers to PC0261948 and PC0279457. PC0261948 had already been disclosed to you (POL-0429543) and was therefore not provided on 25 September 2019, however PC0279457 had not been previously disclosed to you and we therefore included this within our letter. The example you have given, PC0278614, is a Peak referred to in spar1458P; spar1458P being another of the KELs that relates to the 12 issues. The Peak was provided to you because it is referred to in that KEL and had not previously been disclosed.

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Post Office was trying to be helpful in disclosing any Peaks or KELs referred to in the 13 KELs. We hope that this clarification resolves any confusion in your minds regarding the exercise we carried out.

Post Office includes with this letter an updated version of these documents, as at 27 September 19. There are not updated versions for two of the issues, dsed09I and wright33438L for the following reasons: (1) dsed09I has now been closed as the release has been completed; and (2) wright33438L is not an issue with Horizon and therefore no further action is required by Fujitsu.

2. Peaks and KELs referred to

We note that you have now requested copies of all KELs referred to in the Peaks that were disclosed under cover of our second letter dated 25 September 2019. We will take steps to obtain those documents and disclose them to you.

3. Previously disclosed KELs

In respect of your query regarding the fact that intervening changes to KELs are not captured on the face of the KELs disclosed, we have made further enquires with Fujitsu to confirm our understanding that previous versions of the KELs are no longer held. We regret to say that these enquiries have revealed that our understanding was wrong.

As you will be aware, Post Office's EDQ stated 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"*. This statement was based on info provided by Fujitsu. In response to our recent enquiries, however, we were informed by Fujitsu on 30 September 2019 that this is incorrect and that previous versions of KELs are available.

This takes Post Office greatly by surprise. It relied on the information provided by Fujitsu at the time of filing its EDQ that such documents were not available. It is extremely sorry that this information was incorrect.

Regardless of whether these document may or may not be "adverse", Post Office has taken immediate steps towards arranging for the previous versions of these KELs to be extracted and has instructed Fujitsu to begin producing a script to extract the documents into a readable HTML format. Unless you disagree, once this script has been produced we will ask Fujitsu to extract all of these versions.

When this has been done, again unless you disagree, we propose to take immediate steps to disclose previous versions of the KELs which were referred to by either Dr Worden or Mr Coyne in their expert reports or the joint statements or the bug table, or were for any other reason included in the trial bundle. Disclosure of the previous versions of these KELs (where there are previous versions) will be given as a matter of urgency.

We invite you to tell us whether the Claimants also wish to be provided with disclosure of previous versions of the KELs which were not referred to by the experts or included in the trial bundle.

Given the seriousness of this matter, we propose to notify the Managing Judge of this development immediately and will send him a copy of this letter under cover of an explanatory email.

4. Flowchart

The flowchart was provided to you to explain the process which led to Post Office providing disclosure of the documents it disclosed on 25 September 2019. It shows how issues in Horizon are now being dealt with. If you are of the view that this document is of no relevance to the Horizon Issues Trial and should not have been disclosed, then we apologise.

5. Further steps

You will need some time to consider this letter and the further documents that have been disclosed. Once you have done these things, please let us know your views on any further steps that should be

taken and on what the judge should be invited to do. We hope that the parties will be able to agree matters a sensible way forward.

Yours faithfully

Womble Bond Dickinson

Womble Bond Dickinson (UK) LLP