
From: Jane MacLeod [GRO]
Sent: Tue 18/12/2018 3:25:09 PM (UTC)
To: Cooper, Tom - UKG [GRO]
Cc: Watson, Richard - UKG [GRO]; Rodric Williams [GRO]
Subject: Post Office - Litigation CONFIDENTIAL AND SUBJECT TO LEGAL PRIVILEGE - DO NOT FORWARD.

Hi Tom,

We are in the process of finalising an update to the Board on the litigation, and propose to include a section outlining the governance process for any required decision about an appeal, given the likelihood that this issue will arise before the January board. Additionally, we are developing a matrix that will help to flag those outcomes about which we will be most concerned based on impact to POL's business; this will be similar to the approach we developed for the contingency planning earlier this year, and we will circulate that matrix early in January.

We believe it is likely that the draft judgment will be released to us a few days before it is formally handed down. In that period we have the opportunity to comment on factual errors, however the judgment will be subject to an embargo and the Trial Judge has made it clear that the embargo will be strictly enforced.

The Civil Procedure Rules (Practice Direction 40E) restrict circulation of a draft judgment to "within the organisation", provided it is also:

- kept confidential;
- not disclosed to any other person or used in the public domain; and
- not acted upon (other than internally) before the judgment is handed down.

Any enquiries about who can receive a draft judgment are to be sent to the Judge.

The judgement will be made available to POL's legal team and we will provide analysis and a recommendation as soon as possible following receipt (recognising that the judgment is likely to be long and necessarily complex given the range of issues). Ideally (if we wish to appeal) we would seek leave to appeal at the point at which the judgment is handed down, although we will have up to 14 days following that date to do so.

We propose that an informal 'committee' be formed comprising of the Chairman, CEO, CFOO, and yourself to receive a briefing on the judgment and make any required decision as to appeal. However your involvement will be as a POL director – not as a representative of UKGI, and therefore you would not be able to share the decision with anyone from UKGI or BEIS ahead of the judgment being formally handed down.

Would you please advise whether you are prepared to proceed on this basis? I have spoken to Richard already to alert him to this issue, and he will discuss this with you. As ever, Rod and I also remain available should you wish to discuss it further.

Kind regards,

Jane



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