
From: Alisdair Cameron [GRO]
Sent: Mon 13/05/2019 8:51:16 AM (UTC)
To: Tim Parker [GRO]; Thomas Cooper [GRO] Ken
McCall [GRO] Watts, Alan [GRO] Ben
Foat [GRO]
Subject: Legally privileged and confidential - GLO

Following the news at the weekend we met this morning. I have set out below the outcomes of that conversation. If the sub-committee wants to have a call arranged, please let me know. Kind regards Al

1. Mr Coulson has supported the logic of Mr Fraser's position and denied our appeal on the recusal.
2. The recusal argument is finished.
3. Our appeal on the common issues will go ahead.
4. We will see Mr Fraser this morning to support the claimants' request to delay the appeal hearing to 23rd so they have more time to prepare. We do need to adjust our position post the Coulson findings and will be seeking to share grounds for appeal this Thursday, giving the Claimants a week to prepare. Mr Fraser could demand more urgency – we originally said today - which would make life difficult but it would be odd if we didn't want to consider Mr Coulson's judgement....
5. Assuming Mr Fraser turns the appeal down, it may well be Mr Coulson who would adjudicate whether we can appeal on the common issues trial. He might also be the presiding judge if an appeal went ahead. We can and are likely to ask for three judges to decide on whether we can appeal: this is unusual but within our rights and not considered controversial. However, it is unclear how that decision would be made and it may still be Mr Coulson....While the legal teams are all convinced that the legal interpretations are so new and important that we will be able to appeal, I am anxious.
6. We are therefore re-writing the common issues appeal now to strip out any "recusal lite" argument and to minimise the findings of fact only to those things that directly support one of the contractual interpretation arguments, to give ourselves the best opportunity to be heard and to demonstrate to Mr Coulson that we have listened.
7. This is against the advice of David Cavender who is advising us to stick to our guns. He does not feel like the right person to be fronting the appeal, which HS are reviewing – depending on the timetable, another QC may front it with his support or there could be a complete handover over time.
8. We are briefly communicating with our senior leadership team but in the absence of any media coverage do not plan to communicate further.
9. Our immediate focus, which we will discuss at May Board, will be how we best prepare for a very bad Horizon verdict, which is inevitable, both because the recusal failed and because our witnesses did badly in court before the pause. Our job is to reassure Postmasters to carry on, business as usual, by demonstrating that Horizon works today, communicating a more transparent process for managing new differences and separately for managing historical claims. We are currently planning to announce this before the judgement.
10. We are also working on how we put together a settlement team and process for after the Horizon trial.



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