

Message

---

**From:** Jane MacLeod [GRO]  
**on behalf of** Jane MacLeod [GRO]  
**Sent:** 17/04/2019 05:40:19  
**To:** Jane MacLeod (home) [GRO]  
**Subject:** Update

**Monday**

Meeting 15/4/2019 at 5pm - Al Cameron & JEM

- Scheduled meeting in the diary - no specific agenda
- Started with summary of NFSP conference which Al had been at in the morning
- Al asked for my views on meeting previous Thursday at which DCQC & WBD had attended
  - I said that it hadn't gone very well; we'd gone into the weeds, hadn't got to the bigger issues
- Al then said 'Im going to say something that will make you angry'
  - Then informed me that 'we' weren't happy with litigation, and wanted to bring in HS to run it
  - I asked questions to clarify who 'we' was (Chairman, Tom C and Al); process that had been gone through to choose HS; whether they had met HS; what the role was that HS was to play
  - AC was vague about role (taking it over, independent or just replacing me)
  - I expressed concern about timing vis a vis current process
  - I asked whether change had immediate effect - it did,
  - I asked if HS were expecting to be instructed this week - they were
  - I asked whether he wanted me involved in briefing HS - he did and asked for me to meet with them next day (Tuesday)
  - I asked if I should stand NRF done - he said I should

Having returned to my desk c 5.30 - I then received an email from the HR Director (Mo Kang) asking for a catch up

Mo came round and informed me that Al had advised him that he had spoken to me. Mo said that on the previous Friday (?) Al had said that he wanted to change lawyers and that as a result I would probably want to leave. Mo asked how I felt about that and I advised that I felt that if I had lost the confidence of the Board and Al, then my position was untenable. Mo advised me to think about it - commented on his own position, that PO was extraordinary, and said we would catch up next day.

I also spoke to Ben to give him a heads up of the proposed changes but asked him not to discuss it at this stage.

Al sent me meeting invite for 8.30am Tuesday, then a subsequent email at 19.02 cancelling saying "On reflection an 8.30 meeting might not give enough time for thinking, so I have cancelled it: let me know over the next day or so when you are ready."

In the meantime, I sent him an email requesting instructions in relation to the filing by the Claimants of their response to the appeal application, and he said we would discuss in the morning. He also sent me details of the HS partners, I contacted them and there was further email discussion with HS setting up the meeting for Tuesday.

**Tuesday**

I emailed Al at 9.14 setting out various issues - instructions required today & timing issues re meetings; role of HS; optics; my actions today. This email crossed with Al's at 9.08 and another one at 9.11 saying he wanted a catch up to discuss the briefing to counsel today.

He also sent an email at 9.08 on Tuesday morning to HS & me as follows:

"Thank you all very much. I appreciate that this is a difficult situation. We would like to make the transition in the smoothest way possible, minimising the disruption for the team whether PO people or not. I would be very grateful if you can discuss how we do that and when and how we communicate and propose a way forward together. I am also very conscious that we have urgent decisions to make – for the one we are facing today, I suspect it may be too late to make the change effective but for appeals decisions for next week, it would be good to have HS on the pitch. Many thanks Al"

Al and I then caught up about 9.20ish:

- Agreed my proposal to counsel re the letter to the CoA (non-binding but indicative of proposed appeal and if so, wanted to join appeals)
- Al said we need a hand over from me to HS and this would take time
- Then discussed meeting with HS
  - I wanted Ben Foat to come to meeting with me and that I would brief Ben
  - Al couldn't attend
  - I wanted to understand HS role - having set out options in my note, Al said 'a secondment', and that HS would then be able to make a recommendation re who should have carriage of litigation.
  - I asked who would instruct HS/to whom would a secondee report to? Al was unclear on this and asked my view - I said it was either Ben (lower than my current accountability) or a GE member, but no one else was close to the issues.
  - Proposed a further meeting with HS after GE on Wednesday
  - I said I would speak to NR - Al said he would speak to Glenn also; Al didn't want me to speak to WBD yet until we knew what the proposals was.
- I then spoke to Glenn Hall at NR
- Avene then responded to an email from Al confirming timing of calls.

Ben subsequently advised me that Al had briefed him, and had said that HS would be taking over from WBD, and that Al had met both S&M and HS the previous week.

\*\* Di (who can see Tim's emails) asked me if I was ok - she had seen the email traffic with Tom/Tim/Al so was aware last week of what was going on.

- Meeting with Mo - 4pm (at his request)
  - Basically Mo was asking what I wanted to do. I replied that Al clearly thought he and I needed to have a conversation, but that he hadn't initiated it, and I thought that given the gist of his message to me on Monday evening, the honourable thing would be for him to initiate a conversation with me. Mo agreed with this.
  - I said that I was in a very difficult position given that the effect of his decision was that it appeared that neither he nor the board had confidence in me as far as the litigation was concerned.
  - I flagged that there was no succession plan for me, and that I was worried for my team who would be severely destabilised by these events, and that I considered that there was considerable risk attached to Al's proposals
  - Mo was not aware of the details of the board discussions,
  - Mo proposed that he would encourage Al to have a proper conversation with me, as in his (Mo's) view the situation had been badly handled.

#### **Meeting between JEM, Ben Foat, and HS Tuesday 4.30 pm**

- Started by asking what they had been informed about the scope of their brief. They have been advised about course of litigation, adverse judgement, recusal application and appeal proposals. They have been briefed to review strategy and challenges the proposals about joint hearings of the two appeal cases, and then to advise on

management of the litigation which could include replacing WBD, although they recognised the risks of changing firms.

- They brief Tony de Garr Robinson frequently, and have also briefed David Cavender
- We provided an outline of the Issues, our view of the judge, and the reasons for his view, and whether anything could be done to ameliorate that
- HS said that they could see both arguments re a joint appeal hearing.
- They had had a meeting the previous Friday with Tim, Tom and Al. They had made a fee proposal to Al and were waiting for his response.
- HS requested access to various papers, and would appreciate a call with DCQC if we could arrange it - recognising that he was on holidays.
- We agreed that there were a series of milestones - the first being the Board subcommittee briefing on Wednesday, and thereafter we could progress through the milestones in a more measured way.



**Jane MacLeod**

Group Director of Legal, Risk & Governance  
Ground Floor  
20 Finsbury Street  
LONDON  
EC2Y 9AQ

Mobile number: