

Message

From: Swil, Jonathan [REDACTED] GRO
on behalf of Swil, Jonathan <[REDACTED] GRO> [REDACTED] GRO
Sent: 20/03/2014 11:05:42
To: Chris Aujard [REDACTED]; Belinda Crowe [REDACTED] GRO
CC: David Oliver1 [REDACTED] GRO; Band, Christa [REDACTED] GRO
Subject: RE: Draft report
Attachments: A17895240 v0.6 Post Office Limited_Report_Legal Analysis.docx; DC Post Office Limited_Report_Legal AnalysisCCA commnets v Post Office Limited_Report_Legal Analysis.docx

Importance: High

Chris, Belinda

I attach a final version of the report and a mark-up showing the changes we have made to address your comments below.

Given the time available we have not had a chance to run the report by Richard Morgan. We will do so now and should have any comments back from him before the Board meeting.

Kind regards

Jonathan

From: Belinda Crowe [REDACTED] GRO
Sent: 20 March 2014 09:40
To: Swil, Jonathan
Cc: Band, Christa; David Oliver1; Belinda Crowe; Chris Aujard
Subject: RE: Draft report

Jonathan

Further to our conversation, in addition we may have a few more minor points but I have a couple:

1. In 5.33 you refer to SS's working relationship with JFSA and Post Office. I do not think it is that SS have a good working relationship with JFSA and not the Post Office, I think it is more the slant of their report in terms of acknowledging the input from JFSA rather than Post Office. The wording of the Interim report suggests that their work was aimed at addressing issues raised through JFSA rather than the fundamental question about Horizon. Or put another way, JFSA fed in accusations and concerns about which SS then challenged Post Office. I agree the conclusion about the idiosyncratic nature of the SS approach.
2. In 511, could you refer to 150 applications that have been made to the Scheme. The reason for this is that the 137 represents a figure, which changes often, is the number of cases left in the Scheme and may not be a figure that the Board recognises.

Best wishes

Belinda

Belinda Crowe
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From: Chris Aujard
Sent: 20 March 2014 00:19
To: Swil, Jonathan
Cc: Band, Christa; David Oliver1; Belinda Crowe
Subject: RE: Draft report

Hi Jonathan – my detailed comments are set out in the attached. Two big points, though:

- 1) The intro section needs to be re-worked a bit to make it clear that this report focuses mainly on the legal liability point, and that you will be working with us in relation to alternative structures (and may be not even producing a report). The reason for this is that some board members think that the task of coming up with alternatives to the scheme should be an internally driven bit of work, not something that is outsourced to a law firm.
- 2) The executive summary is still pretty long, and doesn't hit the reader between the eyes with what I understand to be your main conclusion – namely: Unless there is something wrong with the system, we are entitled to rely on the accounts produced by Horizon as the basis of claiming sums of money from SPMRs. Further that there can be no question of a claim for consequential losses based simply on the recovery by the Post Office of losses if the losses were properly payable and the Post Office was entitled to the money.

These 2 statements together are quite powerful, and need to be brought out clearly, and it also needs to be said that in consequence the amounts that could be successfully claimed in court are a fraction of the aggregate amounts (c£100m) that has been claimed under the scheme.

I would be most grateful if you could turn this round asap in the morning.

Cheers

Chirs

From: Swil, Jonathan [REDACTED] **GRO**
Sent: 19 March 2014 21:58
To: Chris Aujard
Cc: Band, Christa; David Oliver1; Belinda Crowe
Subject: Draft report
Importance: High

Chris

As discussed, I attach our draft report on the legal issues.

There is a factual question that we would like you to confirm in paragraph 5.22 (and a related question in 5.37), but otherwise please provide any comments you may have in the time available and we will send through a finalised version as soon as possible in the morning.

In the interests of time, I have left in the outline of "Part B" of the report in this document so that, as requested, you can see where that part is headed. I will remove it (i.e. everything from section 6 onwards) in the final version for the Board we send through tomorrow.

Kind regards

Jonathan Swil
Managing Associate (Solicitor, New South Wales)
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