

From: Brian Altman <**GRO**>
To: "Parsons, Andrew" <**GRO**>
Cc: "Prime, Amy" <**GRO**>
Subject: Re: Letter of Response to the Group Litigation - subject to litigation privilege [BD-4A.FID26859284]
Date: Fri, 22 Jul 2016 08:48:12 +0000
Importance: Normal
Inline-Images: image001.jpg; image002.jpg; image003.jpg

Andy

I have now read through and have considered the passages of the LOR you've selected for comment by me.

- 5(F): Factual Allegations: criminal investigations and prosecutions (paragraphs 5.48 to 5.79)

§ 5.54.3: the test for disclosure which is found in the current iteration of section 3 Criminal Procedure and Investigations Act 1996 (as amended on 4.4.05, and which merged what had previously been the primary and secondary stage tests for disclosure into one test, and reworded the previous tests) is that the prosecution "must disclose to the accused any prosecution material which has not previously been disclosed to the accused and **which might reasonably be considered capable of undermining the case for the prosecution** against the accused or **of assisting the case for the accused.**"

My point here is that this paragraph of the LOR, while providing the sense of the single test for disclosure, doesn't recite it accurately, should accuracy about it matter to you.

§ 5.55: This is serendipity. I read this paragraph and then also paragraph 147 of the LOC having already considered in the course of my review of some of the theft/false accounting issue cases that POL might be leaving itself exposed to the very accusation the claimants are making. Before reading these paragraphs of the LOR and LOC I had already made some observations about the possibility of such accusations being made in the draft review document. Now I have read what I have in the LOC and LO, I have slightly adapted my review document and cross-referred to paragraph 147 of the LOC (which I hope won't be controversial). I can always adapt it if it is. What I have written may encourage you to adapt your response on the issue.

§ 5.66-5.73: I deal with the Hamilton case at some length in the review. Before finalising this part of the LOR you may wish to have regard to that section of my review. (By the way I am sure this would be picked up but I've noticed that 'Brander' becomes 'Bander' in this section of the letter.)

- 6(D): Misfeasance in public office (paragraphs 6.30 to 6.32)

No comments to make

- 6(E): Malicious Prosecution (paragraphs 6.33 to 6.42)

No comments to make

- 8(B): Barred claims: criminal cases (paragraphs 8.8 to 8.12)

No comments to make

- Schedule 4: Section 8: False accounting (8.1 – 8.6)

§ 8.5.3: Alison Hall is one of the case files given to me for my review. As you'll see from my review in due course, the information in the file was so minimal I was unable to arrive at any conclusions on her case. At all events, the issue you seek to raise about her case in the LOR is a different one to the issue I was considering.

Best wishes,

Brian

Brian Altman QC

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From: Parsons, Andrew <[\[REDACTED\]](mailto:) GRO [\[REDACTED\]](mailto:)>
Sent: 18 July 2016 17:19
To: Brian Altman
Cc: Prime, Amy
Subject: Letter of Response to the Group Litigation - subject to litigation privilege [BD-4A.FID26859284]

Brian

As mentioned previously, would you mind reviewing our draft Letter of Response (**LOR**) that we have prepared for the Group Litigation with the postmasters?

The LOR is long, so please do not review the whole thing. We have highlighted below all the references to prosecutions or criminal law matters – please could you review these sections?

- 5(F): Factual Allegations: criminal investigations and prosecutions (paragraphs 5.48 to 5.79)
- 6(D): Misfeasance in public office (paragraphs 6.30 to 6.32)
- 6(E): Malicious Prosecution (paragraphs 6.33 to 6.42)
- 8(B): Barred claims: criminal cases (paragraphs 8.8 to 8.12)
- Schedule 4: Section 8: False accounting (8.1 – 8.6)

Some of these sections mention factual matters that are not within your knowledge so we're not asking for your sign off of these sections. I should however be grateful if you could flag whether we've misstated any of the criminal law concepts. All other comments of course welcomed.

Just in case you need it, I've attached the Letter of Claim to which our letter responds. No need to review the LOC but you've got it just in case.

If possible, comments / amendments by the end of this week would be appreciated.

Kind regards
Andy

Andrew Parsons
Partner

Bond Dickinson

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GRO

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