

Message

From: Rodric Williams [GRO]
Sent: 25/01/2019 13:12:52
To: Andrew Parsons [GRO]
Subject: FW: Postmaster Litigation - proposed agenda for the Committee meeting on 28 January. CONFIDENTIAL AND SUBJECT TO LEGAL PRIVILEGE - DO NOT FORWARD

Andy – Jane’s email as discussed. She ended up sending an abridged version of this (which I haven’t seen), but this will give you a flavour of how we’re approaching Monday’s SubCommittee meeting.

I’ll be speaking to Jane late today, and will feed the content of our conversation back to you once we’ve finished.

Rod

From: Jane MacLeod
Sent: 18 January 2019 13:26
To: Paula Vennells [GRO]; Alisdair Cameron [GRO]
Cc: Rodric Williams [GRO]; Mark Underwood1 [GRO];
 Angela Van-Den-Bogerd [GRO]; Veronica Branton
 [GRO]
Subject: Postmaster Litigation - proposed agenda for the Committee meeting on 28 January. CONFIDENTIAL AND SUBJECT TO LEGAL PRIVILEGE - DO NOT FORWARD

Paula, Al

Please find below the proposed text for an email I would like to send to the Chairman, Ken McCall, and Tom Cooper on Monday at the latest, setting out the agenda for the Litigation Sub-Committee meeting on 28 January, and the challenges that we have around the agenda.

Please let me know if you have any questions, otherwise I will send it on Monday morning.

Jane

“All,

We have a Litigation sub-committee meeting scheduled for 4pm on Monday 28 January, and I wanted to flag our proposed approach to that meeting in light of the considerable uncertainty as to the timing of events over the next week.

We have no guidance as to when we will receive the judgement. The court rules require the embargoed judgement to be made available to parties a minimum of 2 business days before it is ‘handed down’. As we have a CMC on 31 January, there is a certain logic in the judge handing down his formal judgement at the end of that CMC, however there is no guarantee that this will be the case and it could be earlier. Should the judge decide to hand it down on 31st January, the embargoed judgement could be issued as early as Thursday 24th. There is also no requirement that the judgement be handed down in open court with the parties present, and therefore it is not dependent on the parties being physically available.

As you will see from this, we will have considerable uncertainty as to the matters that will actually need to be addressed at the Committee meeting on 28th. So, subject to that uncertainty, at this stage (and in the hope that we do have the draft judgement), I propose that the agenda will cover:

1. Update on the Common Issues Trial:

- the judgement (hopefully),
 - likely appeal issues,
 - necessity for, and status of, contingency planning,
 - communications strategy
2. update on CMC/3rd trial (see below)

Alternatively if in the (hopefully less likely) scenario where the judgement is received and handed down this week, the proposed agenda would be:

1. Update on the Common Issues Judgement:
 - appeal issues,
 - status of media and stakeholder response
 - necessity for, and status of, contingency planning
2. update on CMC/3rd trial

And if the embargoed judgement has not been received at all, then the proposed agenda would be:

1. Update on the Common Issues Trial:
 - status of contingency planning,
 - communications strategy, and
2. update on CMC/3rd trial.

Case Management Conference listed for 31 January - This has been listed to determine a number of issues in relation to the proposed third trial in October 2019 which will deal with 'breach issues'. There are a number of issues still in discussion between ourselves and Freeths in relation to the CMC, however we should have clarity on these at the committee meeting on 28 January.

Update on the Horizon Trial – at present we don't have another scheduled Litigation Committee meeting before the commencement of the Horizon trial on 11 March. We believe it would make sense to schedule an additional committee meeting for the second half of February by which time the final experts' reports will have been filed, and therefore our QC - Tony de Garr Robinson, would be able to discuss the trial, the reports of each expert and provide an assessment of the issues (which will be predominantly fact based and therefore there will be more emphasis at the trial on the credibility of the expert witnesses and the findings in their reports).

We will notify you as soon as we receive the embargoed judgement and, as at that point we will know the timetable for it to be handed down, we will be able to provide an updated plan to take the Committee and the Board through the decision and its consequences.

Please let me know if you have any questions.

Kind regards, etc"



Jane MacLeod

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