

## Message

**From:** Rodric Williams [GRO]  
**Sent:** 28/01/2019 11:29:25  
**To:** Andrew Parsons [/o=Exchange-Org/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ad9ed344815e47e4aaa3c0e7e1740919-Andrew Pars]  
**CC:** Amy Prime [/o=Exchange-Org/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ab7222dda3a9453eae5751238a59562-Amy Prime]  
**Subject:** RE: Post Office Group Litigation - Update on Mediation / Potential Mediators – CONFIDENTIAL & SUBJECT TO LEGAL PRIVILEGE - DO NOT FORWARD [WBDUK-AC.FID26896945]

Thanks Andy.

Jane was going to send my email to Paula and Al, so we'll need that feedback from her before we go back to Freeths. We can clarify this with her this afternoon, but I suggest you pull together the reading list in the meantime, as that will be required whomever is ultimately appointed, or to give to someone (e.g. Pres of the Law Society) if we cannot agree the appointment and need someone to make it for us.

Rod

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**From:** Andrew Parsons [GRO]  
**Sent:** 28 January 2019 10:18  
**To:** Rodric Williams [GRO] >  
**Cc:** Amy Prime [GRO] >  
**Subject:** FW: Post Office Group Litigation - Update on Mediation / Potential Mediators – CONFIDENTIAL & SUBJECT TO LEGAL PRIVILEGE - DO NOT FORWARD [WBDUK-AC.FID26896945]

Rod

I think that is everyone's agreement other than Jane. Did she speak to you about this?

If she agrees too, then we'll send a letter back to Freeths that confirms Charles Flint. The plan is to send a simple and unobjectionable reading list to Freeths for approval. We can then get CFQC (I think this is now the 7<sup>th</sup> QC instructed on this matter?!!!) read in and up to speed. After that, we will then think about how we can start using him as leverage against Freeths.

Kind regards  
Andy

**Andrew Parsons**  
Partner  
Womble Bond Dickinson (UK) LLP

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**From:** Nick Beal [GRO]  
**Sent:** 28 January 2019 09:40  
**To:** Rodric Williams; Jane MacLeod; Angela Van-Den-Bogerd; Mark R Davies; Stuart Nesbit; Patrick Bourke; Thomas P Moran; Melanie Corfield; Catherine Hamilton; Julie Thomas; Mark Underwood1  
**Cc:** Andrew Parsons  
**Subject:** RE: Post Office Group Litigation - Update on Mediation / Potential Mediators – CONFIDENTIAL & SUBJECT TO LEGAL PRIVILEGE - DO NOT FORWARD

Agreed by me

Thx



**Nick Beal**  
**Head of Agents' Development & Remuneration**  
Retail Business Unit  
20 Finsbury Street,  
London  
EC2Y 9AQ

[GRO]

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**From:** Rodric Williams  
**Sent:** 28 January 2019 03:00  
**To:** Jane MacLeod <[GRO]>; Angela Van-Den-Bogerd [GRO]  
[GRO] Mark R Davies <[GRO]>; Stuart Nesbit  
[GRO] Patrick Bourke [GRO]; Rodric Williams  
[GRO] Thomas P Moran <[GRO]>; Melanie Corfield  
[GRO] Nick Beal <[GRO]>; Catherine Hamilton  
[GRO] Julie Thomas [GRO]; Mark Underwood1  
[GRO]  
**Cc:** Andrew Parsons [GRO]  
**Subject:** Post Office Group Litigation - Update on Mediation / Potential Mediators – CONFIDENTIAL & SUBJECT TO LEGAL PRIVILEGE - DO NOT FORWARD

**Post Office Group Litigation – CONFIDENTIAL & SUBJECT TO LEGAL PRIVILEGE - DO NOT FORWARD**

All,

In February 2018 the Court ordered the parties to “use their reasonable endeavours to attend a mediation as soon as practicable after receipt and consideration of the Judgment on the Common Issues to attempt to resolve or at least narrow the dispute by way of mediation.”

The Claimants have to date rejected our proposals to mediate in accordance with the Court’s order, preferring to defer mediation until after we have the judgment on the Horizon Issues trial. In doing so, the Claimants rejected our proposed mediators (Bill Marsh and Phillip Howell-Richardson, whose CVs are attached), on the basis that they are not Queen’s Counsel. They instead propose Michel Kallipetis QC, William Wood QC, and Charles Flint QC (CVs also attached).



We do not agree with the Claimants' reason for debarring the well qualified candidates we proposed. However, a mediator can only be appointed if both parties agree, and although we could equally reject Claimants' proposed mediators, we recommend agreeing to Charles Flint being appointed as mediator, for the following reasons:

- He is well recognised in the top tier of commercial mediators.
- We have previous experience of using Michel Kallipetis, and question whether he will have the energy and drive required to resolve this complex and multi-faceted dispute.
- The feedback on William Wood is that he may not be sufficiently forceful or persuasive, compared to Charles Flint's more assertive approach.
- Agreeing one of the Claimants' proposed mediators for good, not solely pragmatic reasons resolves what could otherwise be a time consuming satellite dispute.
- There is no tactical benefit to rejecting the Claimants' proposals:
  - o the mediator is neutral, appointed equally by the parties to help them reach a consensual resolution of their dispute;
  - o the mediator is not a judge, and cannot compel any party to do something they do not want to do;
  - o mediation is "without prejudice", meaning the Court does not oversee how it is conducted.
- The risk of appointing the "wrong" mediator is typically confined to the time and expense wasted while they acted as mediator:
  - o Although a party will not interview potential mediators prior to appointment (it could be seen to compromise their neutrality), it can end a mediator's appointment if it so chooses, e.g. if they lose confidence in the mediator's abilities.

Please let us know if you have any objection to proceeding with our recommendation, or have any other questions or comments on the appointment of a mediator.

With thanks and kind regards, Rod



**Rodric Williams**

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