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1 November 2019

Our Ref: JXH/1684/2113618/4/AR

By e-mail: andrew.parsons@freeths.co.uk **GRO**

Dear Sirs

POST OFFICE GROUP LITIGATION HORIZON ISSUES TRIAL – LATE KEL VERSION DISCLOSURE

We write further on the issues of late KEL disclosure, and the incorrect statement in the Post Office's EDQ with regard to the previous versions of KELs:

"[t]he KEL only contains the current database entries and is constantly updated and so the current version will not necessarily reflect the version that was in place at the relevant time. The previous entries /versions of the current entries are no longer available".

In short, we do not think that the Claimants can sensibly be expected to deal with the volume of material still becoming available, after the trial has in fact finished and at a time when doing so would be likely to delay or derail handing down of the judgment, if the Court were expected to take into account the detail of any substantive submissions that might be made.

We will therefore be writing to the Court, to inform the Managing Judge that we do not wish to make any substantive submissions in relation to the versions of KELs still being disclosed as at today. We do not wish this to cause any delay to the handing down of judgment.

5,000 KELs

Your letter of 24 October 2019 explained that Fujitsu had extracted approximately 14,000 entries from the database, which existed in December 2018, of which (after de-duplication) you estimate a further 5,000 or so should represent undisclosed back versions of KELs. (These are quite distinct from the additional PEAKs and KELs (or updated versions thereof) disclosed on 25 September 2019, which had come to your or your client's attention in August and early September 2019.)

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Of the above 5,000 undisclosed back versions of KELs, we have to date received 346 of those KELs (disclosed with your letter of 24 October 2019).

It is simply not realistic, appropriate or proportionate to make a detailed analysis of these at this distance in time from the end of the trial. Any substantive points that fell to be made would need to be addressed in response by the Post Office, for reasons of fairness, and this would almost certainly disrupt, delay or derail the finalisation and handing down of the judgment.

Version inconsistencies

We have noted surprising differences, on the face of some of the recently disclosed versions, where the same version now disclosed has different headings or formatting from the earlier disclosed document which bears the same version number. However, in the context of the evidence as a whole, we do not think that it is realistic, appropriate or proportionate to pursue this matter further.

Parties' submissions

The parties have already made their respective submissions in relation to disclosure and the use that the parties were able to make of that disclosure at various stages up to and including the trial. Further, the Court has available the underlying documents as to the history of the parties' positions, to which those submission refer. We are perfectly content for the Court to factor in, so far as may be relevant at all, the revelation of these undisclosed versions of KELs, without the need for further submissions from either party.

We will be writing to the Court in order to ensure that this issue does not cause any further delay to the finalisation and handing down of the judgment, and will enclose a copy of this letter to you.

Yours faithfully,

GRO

Freeths LLP

Please respond by e-mail where possible