

Message

**From:** Rodric Williams [REDACTED] **GRO** [REDACTED]  
**Sent:** 01/11/2019 19:32:30  
**To:** Emanuel, Catherine [REDACTED] **GRO** [REDACTED]; Andrew Parsons [/o=Exchange-Org/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ad9ed344815e47e4aaa3c0e7e1740919-Andrew Pars]; Lerner, Alex [REDACTED] **GRO** [REDACTED]; Watts, Alan [REDACTED] **GRO** [REDACTED]  
**CC:** Jonathan Gribben [/o=Exchange-Org/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ea64a893cedd463ea82d76a4b08032dd-Gribben, Jo]; Michael Wharton [/o=Exchange-Org/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c5d1fba922c540cba78e94f1f8c75b15-Wharton, Mi]  
**Subject:** RE: KEL Disclosure - response from Freeths [WBDUK-AC.FID26896945]

All clear.....

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**From:** Rodric Williams  
**Sent:** 01 November 2019 18:42  
**To:** Emanuel, Catherine [REDACTED] **GRO** [REDACTED]; andrew.parsons <[REDACTED] **GRO** [REDACTED]>; Lerner, Alex [REDACTED] **GRO** [REDACTED]; Watts, Alan [REDACTED] **GRO** [REDACTED]  
**Cc:** Jonathan Gribben <[REDACTED] **GRO** [REDACTED]>; Michael Wharton [REDACTED] **GRO** [REDACTED]  
**Subject:** RE: KEL Disclosure - response from Freeths [WBDUK-AC.FID26896945]

Pls stand down on this, ie NO MORE EMAILS FOR THE NEXT HOUR PLEASE.  
I'm trying to get something for Board and the debate's not helping.

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**From:** Emanuel, Catherine [mailto:[REDACTED]] **GRO** [REDACTED]  
**Sent:** 01 November 2019 18:40  
**To:** andrew.parsons <[REDACTED] **GRO** [REDACTED]>; Ben Foat <[REDACTED] **GRO** [REDACTED]>; Lerner, Alex [REDACTED] **GRO** [REDACTED]; Rodric Williams <[REDACTED] **GRO** [REDACTED]>; Watts, Alan <[REDACTED] **GRO** [REDACTED]>  
**Cc:** Jonathan Gribben <[REDACTED] **GRO** [REDACTED]>; Michael Wharton <[REDACTED] **GRO** [REDACTED]>  
**Subject:** RE: KEL Disclosure - response from Freeths [WBDUK-AC.FID26896945]

Why don't the lawyers take this offline and discuss the right approach.

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**From:** Andrew Parsons [REDACTED] **GRO** [REDACTED]  
**Sent:** 01 November 2019 18:27  
**To:** Ben Foat <[REDACTED] **GRO** [REDACTED]>; Lerner, Alex [REDACTED] **GRO** [REDACTED]; Rodric Williams [REDACTED] **GRO** [REDACTED]; Watts, Alan <[REDACTED] **GRO** [REDACTED]>; Emanuel, Catherine [REDACTED] **GRO** [REDACTED]  
**Cc:** Jonathan Gribben <[REDACTED] **GRO** [REDACTED]>; Michael Wharton <[REDACTED] **GRO** [REDACTED]>  
**Subject:** RE: KEL Disclosure - response from Freeths [HS-London\_11.FID2085233] [WBDUK-AC.FID26896945]

Ben

Agreed, that is the risk of waiting before saying something. However by Monday we should have a better idea if the audit is going to lead to further disclosures and that is the key driver of whether (and how) to break cover on this point or not. We should make a decision on whether (or not) to notify the Court of the audit by cob Monday at the very latest. That leaves Post Office with a risk between now and then that the Judge sends his draft judgment, but with the advantage of being able to make a better decision on Monday. On that basis, Tony's recommendation (which is a finely balanced call) is to take the risk and wait to Monday.

Kind regards  
Andy

Andrew Parsons  
Partner  
Womble Bond Dickinson (UK) LLP

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**From:** Ben Foat <**GRO**>  
**Sent:** 01 November 2019 17:21  
**To:** Andrew Parsons <**GRO**>; Lerner, Alex <**GRO**> Rodric Williams  
**GRO**; Watts, Alan <**GRO**>; Emanuel, Catherine  
**Cc:** Jonathan Gribben <**GRO**>; Michael Wharton <**GRO**>  
**Subject:** RE: KEL Disclosure - response from Freeths [HS-London\_11.FID2085233] [WBDUK-AC.FID26896945]

Thanks Andy – the challenge is that Fraser J could give notice that he is handing down the judgment on Monday so the audit needs to quickly be finalised and an agreed position landed.

Thanks  
Ben



**Ben Foat**  
Group General Counsel  
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Mobile <**GRO**>

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**From:** Andrew Parsons <**GRO**>  
**Sent:** 01 November 2019 16:56  
**To:** Ben Foat <**GRO**>; Lerner, Alex <**GRO**>; Rodric Williams  
**GRO**; Watts, Alan <**GRO**>; Emanuel, Catherine  
**Cc:** Jonathan Gribben <**GRO**>; Michael Wharton <**GRO**>  
**Subject:** RE: KEL Disclosure - response from Freeths [HS-London\_11.FID2085233] [WBDUK-AC.FID26896945]

All

I was on the phone with Tony when these emails came in.

In short, we think the audit should be completed (because PO has a duty to ensure that disclosure is done properly in light of the doubts we have about FJ).

There is then a tactical question about whether to tell the Cs and the Court about the audit so to ensure that the judgment doesn't land before the audit is complete. Point 3 in Alex's email is an interesting idea along these lines. The other points, although valid, might re-open substantive debate on the KELs so we may wish to steer away from them.

A&M should have a preliminary view on the outcome of the audit on Monday at which point we will be in a better position to understand the risks of different options.

Kind regards  
Andy

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



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**From:** Ben Foad < **GRO** >  
**Sent:** 01 November 2019 16:25  
**To:** Lerner, Alex < **GRO** >; Andrew Parsons < **GRO** >; Rodric Williams < **GRO** >; Emanuel, Catherine < **GRO** >  
**Cc:** Jonathan Gribben < **GRO** >; Michael Wharton < **GRO** >  
**Subject:** RE: KEL Disclosure - response from Freeths [WBDUK-AC.FID27103678] [HS-London\_11.FID2085233]

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Thanks Alex – these are reasonable points which I would support.



**Ben Foad**  
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---

**From:** Lerner, Alex < **GRO** >  
**Sent:** 01 November 2019 16:21  
**To:** andrew.parsons < **GRO** >; Ben Foad < **GRO** >; Rodric Williams < **GRO** >; Emanuel, Catherine < **GRO** >; Watts, Alan < **GRO** >

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GRO

Cc: Jonathan Gribben

GRO

Michael Wharton

GRO

Subject: RE: KEL Disclosure - response from Freeths [WBDUK-AC.FID27103678] [HS-London\_11.FID2085233]

Thanks, Andy.

Have you spoken to Tony already? If not, our initial thoughts are that we should respond, copying the Court, setting out our position i.e.

- that there is nothing in the material disclosed
- the Claimants never asked for the other 14k
- we were in the process of doing an audit of the extraction of the KELs so the C's could be satisfied that we have complied with our obligations, but if they would prefer that the work in question stop to enable the judgment to be handed down, we are ok with that. (We have considered whether or not it is now necessary to flag the audit at all and the pros and cons of doing so, but our initial view is that we should do so)
- in those circumstances we don't think it is right for the Court to note any more than that late disclosure was given. If the Court is minded to comment substantively on the issue, we would like the opportunity to address the position
- we should also point out that it is disingenuous to present PO as drip feeding KELs to the Claimants, rather than acknowledging that the 386 were the ones referred to at trial and the others were versions of the ones no one sought to rely on

Please can you loop me in when you discuss with Tony?

Thanks

Alex

Alexander Lerner  
Senior Associate, Dispute Resolution  
Herbert Smith Freehills LLP

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**From:** Andrew Parsons < GRO **Sent:** 01 November 2019 13:48  
**To:** Ben Foad < GRO >; Rodric Williams < GRO >; Watts, Alan < GRO >  
GRO ; Emanuel, Catherine < GRO >; Lerner, Alex < GRO >  
**Cc:** Jonathan Gribben < GRO >; Michael Wharton < GRO >  
**Subject:** KEL Disclosure - response from Freeths [WBDUK-AC.FID27103678]

All

Please find attached two letters from Freeths to us and the Court. They have decided not to make any further submissions on the KEL disclosure. They seem to be prioritising getting the Horizon judgment asap which makes me think that they want it for the PTA hearing.

I've asked Counsel what we now do about the A&M audit that is underway and whether it should be stopped.

Kind regards  
Andy

**Andrew Parsons**  
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