

Message

From: Alisdair Cameron <[REDACTED]>
on behalf of Alisdair Cameron <[REDACTED]>
Sent: 09/04/2019 20:38:38
To: Jane MacLeod <[REDACTED]>
CC: Tim Parker <[REDACTED]>; Cooper, Tom - UKGI <[REDACTED]>; Ken McCall <[REDACTED]>
Subject: RE: Post Office - Recusal Application CONFIDENTIAL AND SUBJECT TO LEGAL PRIVILEGE - DO NOT FORWARD

Thanks Jane. Obviously this assumes that we are happy to appeal the recusal without further debate - copied the GLO Sub-Committee just to make sure.

The grounds for appeal on the common issues judgement and the joining together of the appeals need real debate, so let's have a full session with me this week and we will need, as discussed, a sub-committee as early as we can and well before a final decision.

AI



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From: Jane MacLeod <[REDACTED]>
Sent: 09 April 2019 17:48
To: Alisdair Cameron <[REDACTED]>; Thomas Cooper <[REDACTED]>; Richard Watson <[REDACTED]> <richard.watson@[REDACTED]>; Ruth Cowley <[REDACTED]>; Glenn Hall <[REDACTED]> <Glenn.Hall@[REDACTED]>; andrew.parsons <[REDACTED]>
Cc: Avene Regan <[REDACTED]>; Diane Blanchard <[REDACTED]>; Rodric Williams <[REDACTED]>; Mark Underwood <[REDACTED]>; Melanie Corfield <[REDACTED]>
Subject: Post Office - Recusal Application CONFIDENTIAL AND SUBJECT TO LEGAL PRIVILEGE - DO NOT FORWARD

All

As anticipated, Justice Fraser has rejected our application for him to recuse himself and, somewhat less expectedly, also refused our application for leave to appeal. I have set out below next steps which include – unfortunately – rejigging various meetings.

Consequential Orders

In setting out directions as to how matters should proceed from now, he has ordered that:

- the application to the Court of Appeal for leave to appeal his decision not to recuse himself, should be filed by the end of the Court day on Thursday (c4pm)

- the Horizon trial should continue with the last witness for Post Office (Steve Parker from Fujitsu) to give evidence on Thursday morning (11 April), and expert evidence to be given as soon after 20 May as diaries can be aligned.

Next steps

Timetable

10.00 am Thursday 11 April	Horizon trial continues – Steve Parker (Fujitsu) to give evidence
4.30 pm Thursday 11 April	Filing of Application for Leave to Appeal recusal application & request to stay Horizon trial pending decision
w/c 23 April	Board sub-committee to discuss application for leave to appeal the Common Issues judgment
tbd	Briefings meetings (if required) with shareholder – UKGI to advise requirements
16 May	(Subject to outcome of recusal application) latest date for Managing Judge to hear consequential orders arising out of Common Issues judgment including leave to appeal and costs orders. Note this date does not work for the Claimants' Counsel, so may be brought forward.
Not before 20 May	Expert evidence to be heard in Horizon trial (again subject to the application to stay the Horizon trial)

Briefings

We had set up a briefing with David Cavendar QC for 11am on Thursday to discuss the scope of the Common Issues judgment appeal. Given the Horizon hearing and the need to finalise the recusal application, the timing for this briefing no longer works, so with apologies, we will seek an alternative time – hopefully later on Thursday afternoon or possibly Friday morning. We will be in touch shortly to understand availability.

We had also scheduled a board sub-committee for Monday evening (15 April) to start the Post Office governance processes in relation to the appeal of the Common Issues judgment. Unfortunately (again) we have this morning been told by David Cavender's clerk that he had inadvertently misled us and David is not available at that time. I now believe that both David Cavender and Lord Neuberger are available on Tuesday 23 April (I am waiting for written confirmation), and we will check alternative availability.

Common Issues Appeal

The Counsel team are strongly of the view that we should seek to have the appeals in relation to the recusal and Common Issues Judgment heard together. They are currently looking at how this could be achieved given that application processes for the two appeals are currently not aligned. We will be able to explore the thinking on this further at the briefing with David Cavendar later this week.

Once again, apologies for the diary chaos that this will no doubt cause.

Kind regards,

Jane

Jane MacLeod

Group Director of Legal, Risk & Governance



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