

**From:** Amy Prime [GRO]  
**To:** Andrew Parsons <[GRO]>  
**Subject:** RE: Horizon disclosure [HS-London\_11.FID2156898]  
**Date:** Tue, 1 Oct 2019 17:27:48 +0000  
**Importance:** Normal  
**Attachments:** \_LETTER\_158088468(1)\_Letter\_to\_Freeths\_1\_Oct\_2019\_-\_HIT\_Disclosure\_-\_Revised\_with\_KEL\_wording.DOCX  
**Inline-Images:** image001.png; image002.png; image003.png; image4bbf42.PNG; image6dcd7c.PNG; image521427.PNG

---

Andy

Draft email below and revised letter attached – just double checking if TRQC is around tomorrow, but Simon thought he was.

Thanks

A

[DRAFT]

All

Further to the draft letter, we have learnt from FJ this morning that the below statement contained with Post Office's EDQ is factually incorrect, with the correct position being that previous versions of the KELs are held within the KEL database and are available.

*"The 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.**" (emphasis added)*

We have spoken with FJ today to double-check the position and they have confirmed that when FJ revise the contents of an existing KEL they would not overwrite the KEL but take a copy of it, make the changes and save as a new document. The previous versions of the KELs would be kept for version control and sit underneath the latest KEL.

Advice has been sought from Simon Henderson (Horizon Trial Junior Counsel) on the disclosure of these documents, who recommends that since the judgment is imminent and given the importance of KELs to the trial, Post Office should not delay in bringing the existence of the previous versions of the KELs to the attention of the Cs, with a detailed explanation of the circumstances to follow urgently. It should be noted that Simon's view is that this is going to very uncomfortable for Post Office, with the worst outcome being that the Judge seeks further expert evidence from Coyne/Worden as to whether these previous versions of the KELs impact upon their evidence.

In light of Simon's advice, we would therefore recommend that the letter to Freeths be amended to explain that as a result of our investigations into responding to Freeths' queries the existence of these documents was brought to our attention, and that we were previously under a misapprehension. A further letter would then follow as soon as possible which explains the circumstances and the proposals for providing disclosure of these documents. Please find attached an amended letter which reflects this position.

Further, Counsel advises that we should seek to adopt a tone that shows Post Office are as annoyed with FJ about the late knowledge of these documents as the Cs are. This is of course a sensitive matter and further consideration needs to be given to whether this position is adopted given the ongoing commercial relationship with FJ.

Given the sensitivity surrounding disclosure of the KEL, we will setting up a call with Tony Robinson QC tomorrow to discuss this matter and the invite will be extended to all on this email chain.

If there are any questions on the recommended approach, please feel free to call.

Kind regards

**Amy Prime**

Associate

Womble Bond Dickinson (UK) LLP

d:  
m:  
t:  
e:

**GRO**

[Sign up for legal updates, e-newsletters and event invitations](#)



womblebonddickinson.com



---

**From:** Lerner, Alex <[REDACTED]>

**Sent:** 01 October 2019 15:19

**To:** Andrew Parsons <[REDACTED]>; Rodric Williams

<[REDACTED]>; Emanuel, Catherine <[REDACTED]>

**Cc:** Lucy Bremner <[REDACTED]>; Jonathan Gribben <[REDACTED]>

Amy Prime <[REDACTED]>

**Subject:** RE: Horizon disclosure [HS-London\_11.FID2156898]

Hi Andy

Thanks for this. My comments attached. Happy to discuss any questions/queries by phone if that is the quickest way of getting this out. I am at my desk.

Kind regards

Alex

**Alexander Lerner**

Senior Associate, Dispute Resolution

Herbert Smith Freehills LLP

T **GRO** M **GRO**

[www.herbertsmithfreehills.com](http://www.herbertsmithfreehills.com)

---

**From:** Andrew Parsons <**GRO**>  
**Sent:** 01 October 2019 09:05  
**To:** Rodric Williams <**GRO**>; Emanuel, Catherine  
<**GRO**>; Lerner, Alex <**GRO**>  
**Cc:** Lucy Bremner <**GRO**>; Jonathan Gribben <**GRO**>  
Amy Prime <**GRO**>  
**Subject:** Horizon disclosure

All

Please find attached the draft response to Freeths' recent letter on disclosure for your approval. All comments welcomed.

Kind regards

Andy

**Andrew Parsons**

Partner

Womble Bond Dickinson (UK) LLP

d:  
m:  
t:  
e:

**GRO**

[Sign up for legal updates, e-newsletters and event invitations](#)



[womblebonddickinson.com](http://womblebonddickinson.com)



**Please consider the environment! Do you need to print this email?**

---

The information in this e-mail and any attachments is confidential and may be legally privileged and protected by law. [alex.lermet](#) **GRO** only is authorised to access this e-mail and any attachments. If you are not [alex.lermet](#) **GRO**, please notify [andrew.parsons](#) **GRO** as soon as possible and delete any copies. Unauthorised use, dissemination, distribution, publication or copying of this communication or attachments is prohibited and may be unlawful. Information about how we use personal data is in our [Privacy Policy](#) on our website.

Any files attached to this e-mail will have been checked by us with virus detection software before transmission. Womble Bond Dickinson (UK) LLP accepts no liability for any loss or damage which may be caused by software viruses and you should carry out your own virus checks before opening any attachment.

Content of this email which does not relate to the official business of Womble Bond Dickinson (UK) LLP, is neither given nor endorsed by it.

This email is sent by Womble Bond Dickinson (UK) LLP which is a limited liability partnership registered in England and Wales under number OC317661. Our registered office is 4 More London Riverside, London, SE1 2AU, where a list of members' names is open to inspection. We use the term partner to refer to a member of the LLP, or an employee or consultant who is of equivalent standing. Our VAT registration number is GB123393627.

Womble Bond Dickinson (UK) LLP is a member of Womble Bond Dickinson (International) Limited, which consists of independent and autonomous law firms providing services in the US, the UK, and elsewhere around the world. Each Womble Bond Dickinson entity is a separate legal entity and is not responsible for the acts or omissions of, nor can bind or obligate, another Womble Bond Dickinson entity. Womble Bond Dickinson (International) Limited does not practice law. Please see [www.womblebonddickinson.com/legal](http://www.womblebonddickinson.com/legal) notices for further details.

Womble Bond Dickinson (UK) LLP is authorised and regulated by the Solicitors Regulation Authority

Herbert Smith Freehills LLP and its subsidiaries and Herbert Smith Freehills, an Australian Partnership, are separate member firms of the international legal practice known as Herbert Smith Freehills.

This message is confidential and may be covered by legal professional privilege. If you are not the intended recipient you must not disclose or use the information contained in it. If you have received this email in error please notify us immediately by return email or by calling our main switchboard on **GRO** and delete the email.

Further information is available from [www.herbertsmithfreehills.com](http://www.herbertsmithfreehills.com), including our Privacy Policy which describes how we handle personal information.

Herbert Smith Freehills LLP is a Limited Liability Partnership registered in England and Wales with registered number OC310989. It is authorised and regulated by the Solicitors' Regulation Authority of England and Wales whose rules can be accessed via [www.sra.org.uk/code-of-conduct.page](http://www.sra.org.uk/code-of-conduct.page). A list of the members and their professional qualifications is open to inspection at the registered office, Exchange House, Primrose Street, London EC2A 2EG. We use the word partner of Herbert Smith Freehills LLP to refer to a member of Herbert Smith Freehills LLP, or an employee or consultant with equivalent standing and qualifications. Herbert Smith Freehills LLP's registration number for Value Added Tax in the United Kingdom is GB 927 1996 83.