

POLB(12)42

February 2012

**POST OFFICE LIMITED MATTERS – DISPUTE RESOLUTION
PRIVILEGED AND CONFIDENTIAL – CLAIMS OVER £500K OR THOSE OF A SENSITIVE NATURE**

FILE NAME	CASE HOLDER	BUSINESS UNIT & CONTACT	DESCRIPTION	STATUS	XSP
Horizon claims	POL/HF/CD	Rod Ismay of POL	<p>POL has received notification of a total of five (5) claims from former subpostmasters (SPMs).</p> <p>Each alleges wrongful termination of contract (based on (a) alleged defects in POL's internal processes and (b) alleged defects with Horizon). Each is seeking damages in the sum of circa £150,000.</p> <p>Four of the five claims remain at the pre-action stage (i.e. there are no live court proceedings). Court proceedings have been issued in respect of the fifth claim.</p> <p>Shoosmiths assert that they have consulted on a further 85 cases,</p>	<p>(1) <u>Scott Darlington</u>. Claim rejected on the basis that the SPMR admitted to and was convicted of false accounting. Responded to Shoosmiths on the basis that the SPM can have no claim for wrongful termination in circumstances where he had repudiated his contract.</p> <p>Last correspondence sent to Shoosmiths on 14/12/2011. Shoosmiths have taken no further action to date,</p> <p>(2) <u>Julian Wilson</u>. Position as above,</p> <p>Last correspondence sent to Shoosmiths on 14/12/2011. Shoosmiths have taken no further action to date,</p> <p>(3) <u>Terence Walters</u>. SPMR admitted to false accounting, but not convicted.</p>	Bond Pearce (Gavin Matthews, Helen Watson)

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			<p>which are all likely to raise similar legal issues.</p>	<p>Last correspondence sent to Shoosmiths on 14/12/2011. Shoosmiths have taken no further action to date,</p> <p>(4) <u>Thakshila Somaskandarajah</u>. BP have responded to Shoosmiths stating that the claim is time barred and cannot now be pursued. No response to this letter from Shoosmiths to date.</p> <p>(5) <u>Lynne Prosser</u>. Proceedings were commenced by Prosser in June 2011, but POL only made aware in October 2011. POL applied to have the claim struck out for procedural error in January 2012. This application was successful, but Prosser has applied for permission to appeal.</p> <p>The Appeal Court rejected her request for permission to appeal on 22 February 2012. Prosser now has the option to apply for that decision to be reconsidered at any oral hearing. POL awaits confirmation as to whether or not a request for</p>	

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				<p>an oral hearing has been made. If no request is made or permission is again denied, this will be the end of the matter.</p> <p>If permission is granted, the matter will proceed to a full appeal hearing. If the appeal is successful, POL will need to decide whether or not to appeal itself.</p> <p>POL is likely to have evidential difficulties in responding to the claim as it appears the papers relating to this branch may have been destroyed in accordance with POL's document destruction policy.</p>	
GRO	GRO	Angela Van-Den-Bogerd	<p>GRO has made a claim under the Equity Act and under the Human Rights Act alleging disability and age discrimination against Shieldex Limited (as the franchisee of the branch) and POL. Damages are claimed, but the amount is not specified. The estimated potential</p>	<p>Particulars of Claim have been served on both Shieldex Limited and POL.</p> <p>POL has obtained an extension of time for its Defence to 2 April 2012. Draft Defence has been prepared.</p> <p>It is unclear what steps Shieldex are taking to defend the claim. Bond Pearce have been pressing</p>	Bond Pearce (Ian Newcombe, Dan Fawcett)

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			<p>exposure (if the claim succeeds) is likely to be in the region of £6,000 to £18,000 plus costs.</p> <p>If POL is found to be a service provider under the Equality Act and, therefore, liable to make reasonable adjustments this is likely to have implications across the Network.</p>	<p>the solicitors acting for Shieldex to ensure that proper steps are taken to defend the claim.</p>	