

Message

From: Mandy Talbot [CN=Mandy Talbot/OU=e/O=POSTOFFICE]
Sent: 28/07/2004 18:28:48
To: Carol King [GRO]; Keith K Baines [GRO]; John Legg
[GRO]; Manish Patel [GRO]; Rod Ismay
CC: susanne.helliwell [GRO]; Clare Wardle [GRO]; David W Miller
[GRO]; Peter M Corbett [GRO]
Subject: Wolstenholme

Our agents have now spoke to Counsel again.

He is of the opinion that there is no way in which all reference to the experts report can be excluded from the trial save for a payment of Mrs W of her entire claim of £187,500.

The best that can be achieved is to try and minimise the damage by a report from Fujitsu along the lines suggested in the advice. There is no guaranty that the original adverse report will not be commented on in the final judgement.

An adverse finding on the Horizon system will have major implications for Pol. As such I should be grateful for formal instructions at this stage as to whether, despite the weakness in aspects of the case of Mrs Wolstenholme, the business wishes a strategic settlement to be made.

If we do not wish to settle the claim for 187.5 K or enter into negotiations involving substantial sums of money going up to 187 K if necessary then we have to try and minimise the risk as much as possible.

To that end please may I have Carol your immediate instructions to make and additional payment into Court in the sum of £10,000 and to formally admit that there was a problem with the notice period so that the inadequate notice constituted a breach of contract.

Carol can you or John please suggest any person who is able to produce a statement compiling the list of goods and services supplied by postmasters and who may be available to attend Court next month. It is essential that we counter the argument that she is an agent within the definition of the Commercial Agents Directive. Manish has given me some names and I have left messages with them.

Keith please can you give me details of the person suggested by Fujitsu to supply a statement as a priority as our agents need to contact him.

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----- Forwarded by Mandy Talbot/e/POSTOFFICE on 28/07/2004 18:08 -----

Mandy Talbot
27/07/2004 15:59

To: Carol
King/e/POSTOFFICE@POSTOFFICE, Manish
Patel/e/POSTOFFICE@POSTOFFICE, Rod
Ismay/e/POSTOFFICE@POSTOFFICE, John
Legg/e/POSTOFFICE@POSTOFFICE,
susanne.helliwell [GRO]
cc: Clare
Wardle/e/POSTOFFICE@POSTOFFICE, Tony
Marsh/e/POSTOFFICE@POSTOFFICE
Subject: Wolstenholme

I have spoken to Keith Baines and he is identifying a member of the Fujitsu staff to prepare a statement dealing with paragraphs 38 to 41 of the advice. On receipt of a name I will give it to our agents for them to take a statement and lodge an application at Court.

You may recall that Jim and I obtained Counsel's opinion in 2002 on whether the Commercial Agents Directive applied to postmasters and Counsel advised in conference on being given an indication of the services and some goods which postmasters supply to the public, that on the basis of current case law that it did not. I need your assistance in identifying somebody within Pol who can provide a statement and attend Court if necessary in August giving information about the range of products and services which a typical postmaster would supply. John I seem to recall that you attended the conference and wondered whether you could think of a suitable candidate.

The information is contained in the operational guide in crude form but I was wondering whether there is a simple list somewhere which could be appended to a straight forward statement so as to demonstrate that its predominant services which are supplied.

I would also recommend along with Counsel's advice that the claim for errors be formally dropped, that an admission be made that a breach of contract in respect of failure to give proper notice did occur and that the payment into Court be increased by a further £10,000 plus interest as a further hedge against a particularly adverse finding. The advantage of the above is to remove that need for the expert to attend. Our agents should also notify him of this intention so as to avoid cancellation charges as soon as possible.

Please let me have your reply as soon as possible as time is against us in this matter

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