
From: Anthony Grabiner [GRO]
Sent: Sat 16/03/2019 11:58:46 AM (UTC)
To: David Cavender [GRO]
Cc: Gideon Cohen [GRO], Rob Smith [GRO], David Neuberger [GRO]
Subject: DEN 1 Re Post Office -preliminary thoughts .
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I've read Gideon's note on the background and DN's observations note of 14/3. I plan to read the draft judgment between now and Monday morning but for present purposes I assume the correctness of the passages in Gideon's note and I also agree with DN's analysis.

When do we expect to get the revised version of the judgment? In principle the substance of the final version should be the same as the draft. If it turns out to be dramatically different, eg because the Judge has deleted passages we currently criticise, I doubt if that would undermine our attack: indeed it may reinforce it on the ground that having made up his mind and/or behaved inappropriately as we allege the Judge now seeks to conceal his bias in the revised draft.

When the final version of the judgment is available it seems to me that we should be asking the Judge to adjourn the current hearing pending appeal in respect of the judgment; to give permission to appeal against the judgment; and to recuse himself on the grounds of actual and apparent bias. If the Judge refuses all, any or some of those applications I think an application should promptly be made to the C of A, if necessary in respect of all three points.

Meanwhile the draft application documents should immediately be prepared including a draft grounds of appeal document. I appreciate that the clients have yet to decide whether or not they wish to proceed along these suggested lines.

Regards,

Tony

Lord Grabiner QC
One Essex Court
Temple
London, EC4Y 9AR

GRO

On 15 Mar 2019, at 11:13, David Cavender <[GRO]> wrote:

I agree. Not least because she is also on the appeal team. And there is an obvious overlap between the "unfairness" ground on the appeal and the basis (at least in part) for the recusal.

Best,

D.

David Cavender Q.C.

<image003.jpg>

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From: Gideon Cohen

Sent: 15 March 2019 10:49

To: Rob Smith **GRO** >; Anthony Grabiner <**GRO**> David Cavender
GRO >

Subject: RE: Post Office

Rob,

Yes, please bring Stephanie on board if you can. We don't know exactly what the timetable will be, but there could be a lot to do quite quickly.

Best

Gideon

Gideon Cohen

Barrister

One Essex Court
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From: Rob Smith

Sent: 15 March 2019 10:42

To: Anthony Grabiner; David Cavender; Gideon Cohen

Subject: Post Office

Tony,

The solicitors have confirmed that they would like you to read up and get fully up to speed on the issues. They are yet to decide if they will make the application but want to be in a position to make the application as quickly as possible if they decide to go.

David, if you have not already can you bring Tony up to speed on all the goings on. Gideon you are the junior to Tony. If you feel that Stephanie is needed to assist please let me know.

Thanks

Rob

Robert Smith

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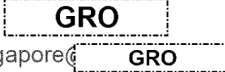
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