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**From:** Anthony Grabiner [GRO]  
**Sent:** Mon 18/03/2019 12:16:47 PM (UTC)  
**To:** David Neuberger [GRO]  
**Cc:** Rob Smith [GRO]; David Cavender [GRO]; Gideon Cohen [GRO]  
**Subject:** DEN 5 Re: Post Office - preliminary thoughts.

Of course.

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



On 18 Mar 2019, at 12:12, David Neuberger [GRO] wrote:

Dear Rob,  
Fine with me.  
Thanks for dial-in details  
If there is anything I should know as a result of the 14.00 meeting before the 17.15 telephone con, could someone email me?  
Best,  
David.

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**From:** Rob Smith [GRO]  
**Sent:** 18 March 2019 09:19  
**To:** David Cavender [GRO]; Anthony Grabiner [GRO]  
**Cc:** Gideon Cohen [GRO]; David Neuberger [GRO]  
**Subject:** RE: Post Office - preliminary thoughts.

Dear All,  
Meeting booked for AG,DC & GC at 14.00 in chambers with Post Office and Solicitors  
Telephone con booked for DN,DC & GC with PO and sols at 5.15 – Dial in to be provided.  
Please let me know if there are any problems.  
Thanks

Rob  
**Robert Smith**  
[www.oeclaw.co.uk](http://www.oeclaw.co.uk)

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**From:** David Cavender [GRO]  
**Sent:** 16 March 2019 12:15  
**To:** Anthony Grabiner [GRO]  
**Cc:** Gideon Cohen [GRO]; Rob Smith [GRO]; David Neuberger [GRO]  
**Subject:** Re: Post Office - preliminary thoughts.

Tony,  
Many thanks for this. The final judgment was handed down yesterday and is available online apparently. It seems to be largely unchanged. Rob - could you possibly send the final version to Tony ?

Best  
D.

Sent from my iPhone

On 16 Mar 2019, at 11:58, Anthony Grabiner <GRO> wrote:

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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<image004.gif>

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