
From: David Neuberger [GRO]
Sent: Fri 19/04/2019 8:39:33 AM (UTC)
To: 'Andrew Parsons' [GRO]; David Cavender [GRO]; Anthony Grabiner [GRO]; Anthony de Garr Robinson [GRO]
Cc: Tom Beezer [GRO]
Subject: DEN 26 RE: Post Office Group Litigation

Dear Andrew,
Thank you for your two emails and attachments
I look forward to speaking on Tuesday morning.
Yours sincerely,
David

From: Andrew Parsons [GRO]
Sent: 19 April 2019 09:13
To: David Cavender [GRO]; David Neuberger [GRO]; Anthony Grabiner [GRO]; Anthony de Garr Robinson [GRO]
Cc: Tom Beezer [GRO]
Subject: RE: Post Office Group Litigation

All
There is one more piece to this jigsaw.
I'm not sure if you are aware of this already, but there is a separate claim running in the employment tribunal by 123 SPMs seeking worker status. This claim is in its infancy, with the first case management hearing scheduled for early June. Some of the tribunal Claimants overlap with the Group Litigation claimants but otherwise they are separate actions. The tribunal claim is, we think, being funded by the Communication Workers Union as part of a broader campaign to obtain recognition as a union for SPMs. A different law firm is acting for the tribunal Claimants, Pennington Manches.
The Common Issues judgment has some crossover effect on the tribunal claim. Post Office has instructed Chris Jeans QC on the tribunal claim and he has recently produced two advice notes (attached) on how the CI judgment impacts on the tribunal claim. I've attached all his advice notes to date:

- The first advice note is a merits opinion, which also has useful background information.
- The second advice note explains why the CI judgment effectively prevents Post Office from striking out the tribunal claim (which was our proposed strategy before the judgment).
- The third advice note sets out the areas of the CI judgment that CJQC believes would be useful to appeal from a "workers' rights" perspective.

For the purposes of next week, it is the third advice note that needs consideration. In summary, CJQC believes that there are some areas that could be usefully appealed, but if the appeal is unsuccessful and the C of A endorses the Common Issues findings then that increases the risk that the tribunal will follow those findings. I don't believe that this changes our appeal strategy but wanted you to be aware of this other angle in case it comes up at the board meeting.
Kind regards
Andy
Andrew Parsons
Partner
Womble Bond Dickinson (UK) LLP

d: [GRO]
m: [GRO]
t: [GRO]
e: [GRO]



wombledonddickinson.com

**From:** Andrew Parsons**Sent:** 18 April 2019 17:36**To:** 'David Cavender' <[redacted]>; David Neuberger <[redacted]>; Anthony Grabiner <[redacted]>; 'Anthony de Garr Robinson' <[redacted]>**Cc:** Tom Beezer <[redacted]>**Subject:** Post Office Group Litigation

All

There have been some changes at Post Office that I need to update you on. I'd be very grateful if you could deal with this sensitively, which I'm sure you would anyway.

Post Office have decided that they need full-time support at board level to oversee the Group Litigation. They have therefore instructed Alan Watts at Herbert Smith to advise them in place of their General Counsel, Jane MacLeod. This has made Jane's position very difficult and through mutual agreement she is leaving Post Office. Alan is currently reading in and they'll be a handover during the course of next week. This is not public knowledge yet within Post Office or my team here at WBD, so please can we keep this information contained to those on this email.

I suspect that this change has been one of the reasons why we have struggled to get instructions on the Common Issues appeal. The board meeting is still going ahead at 9am next Wednesday and Rob Smith has kindly arranged a conference call on Tuesday at 11am for Tony G, David N, David C and me to discuss this. Alan would like to join that call as would Rodric Williams, the in-house litigator at Post Office.

The purpose of the call is for me to download to you the current thinking at the client and also to plan in outline what we intend to say to the PO board.

In advance of the call you may wish to review the attached documents:

1. An advice note that David C and I submitted to the CEO last week.
2. A draft board paper (that will be revised over the weekend). This is an internal PO paper so the legal team does not need to sign this off, but I'm happy to discuss this next Tuesday.
3. A draft spreadsheet setting out issue-by-issue the grounds of appeal (prepared by me and quickly reviewed by David C). PO want to send this with the board paper so David C if you get a chance to review this over the weekend that would be appreciated.

Have a lovely Easter.

Kind regards

Andy

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. [redacted] only is authorised to access this e-mail and any attachments. If you are not [redacted] please notify [redacted] 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.wombledonddickinson.com/legal notices for further details.

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

This email has been scanned by the Symantec Email Security.cloud service.

For more information please visit <http://www.symanteccloud.com>
