
From: David Neuberger [GRO]
Sent: Wed 19/06/2019 5:31:29 PM (UTC)
To: Anthony Grabiner [GRO]
Subject: DEN 41 RE: Post Office

I agree that it does seem a bit murky (he said cautiously) and certainly worrying.
If Helen was implying that pta should be pretty well a no-brainer, I agree with her (as you do)
I am not sure what can be done other than a letter to the MR which would have to set out the concerns which have been expressed.
As to Fraser's reasons, I am not sure whether it is open to a judge to refuse pta where there are arguable grounds simply because of alleged convenience - but I haven't checked the rules.
Even if it is open to a judge to do that, it surely couldn't be right in this case.

Depressing
David

-----Original Message-----
From: Anthony Grabiner [GRO]
Sent: 19 June 2019 18:20
To: David Neuberger [GRO]
Subject: Post Office

Dear David,

I've now spoken to Helen Davies who's been instructed to replace David C. She decided to pursue the application to appeal without asking for two or three LJ's on the basis that it was a straightforward matter. She's now rather shocked by what has happened. It went to Coulson who promptly restricted the page count for the supporting skeleton. It seems also that Fraser has now delivered an 18 page judgment explaining why he refused permission on the substantive appeal. He has apparently relied on matters in the new trial although it is still being argued and no judgment has been delivered. She says there are indications that Fraser and Coulson must have been speaking.

She will think about the position. I've suggested she should consider a letter to the MR but of course I'm not involved any more and she could need instructions from the client before she could do that. As we've previously discussed once Coulson refuses the application - which I'm certain he will do - it will be very difficult, if not impossible, to put matters right.

I'm appalled by the whole story.

In exasperation,

Tony

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