

I would be very interested, Tony, to know what you make of the judgment when you have read it

Best wishes from Buenos Aires

David

Sent from my iPhone

From: Anthony Grabiner [REDACTED] GRO
Sent: 17 March 2019 10:59
To: Rob Smith
Cc: Tom Beezer
Subject: Re: URGENT [WBDUK-AC.FID26896945]

Rob/Tom,

I agree with David Neuberger's approach and I support the recusal application proposal. I could speak tomorrow but not at 5.15 for about an hour because of a prior commitment.

Regards,

Tony

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

GRO

From: "Tom Beezer" [REDACTED] GRO
Date: Sun, Mar 17, 2019 at 1:18 PM +0000
Subject: RE: URGENT [WBDUK-AC.FID26896945]
To: "Rob Smith" [REDACTED] GRO
Cc: "Andrew Parsons" [REDACTED] GRO
[REDACTED] GRO, "Amy Prime" [REDACTED] GRO

Rob

Forgive me for this short e mail. I am not pushy enough to seek to barge into Lord Grabiner's Sunday direct.

Could we do the following:

- Can you please send the attached draft note to Lord Grabiner QC ? It is not hugely long. The operative parts of the note are 4 sides of text. The balance of the Word Doc' are selected quotes from the CIT Judgment which make it seem longer than it really is.

- What POL is seeking here from Lord Grabiner is a broad "yes that is OK" to the note (assuming he does so agree), not detailed comment (although if Lord Grabiner wishes to comment, he is welcome to). POL want the broad "ok" so the Board of POL have confidence that Lord Grabiner does not disagree with the direction set out. You see the two places in highlight in the body of the note where I say "Lord Grainger has reviewed and ok'ed" etc. if that comes to pass I'll take those out of highlight and finalise the note.

- If the OK/comment could come today – all well and good. If tomorrow then earlier the better as the note will go to the Board in advance of the call tomorrow afternoon.

- Onto housekeeping matters:

o Yes please to a call with Lord Grabiner at some point after 1.30 tomorrow. Please let me know what time would suit best. That call would be with Jane (GC at POL) and me. That is so Jane can get Lord Grabiner's views which she can then transmit to the Board. Would David C QC need to be on that call too for detail and continuity purposes ? That could be sensible but we'll be guided by Lord Grabiner.

o On the 5.15pm call for the POL Board, Lord Grabiner QC cannot make that time and I understand the call time cannot move. I think Lord Neuberger could dial in at 5.15pm. Could you see if that is in fact possible ? Please let me know as soon as you can in regard so I can update Jane.

o Should David C QC be on the 5.15 call too for background and detail ? Again, let us know.

o Jane is keen to stress that the POL Board want to hear from each of Lords Neuberger and Grabiner directly and candidly on the recusal issue so if David C QC is there it is for background specifically as the POL Board do want the views of "new voices". I'll speak to David about that too and he will understand I am sure, but I wanted to set that out here for the sake of clarity so we are all in the same position.

MANY MANY thanks for your help.

Andy tells me West Ham did well yesterday...one day I'll tell you my one and only "football" story...you'll have guessed it is not my thing...which frustrates Andy...

t

Tom Beezer
Partner
Womble Bond Dickinson (UK) LLP
d:
m:
t:

GRO

On 17 Mar 2019, at 16:58, Anthony Grabiner: **GRO** wrote:

D

The judgment is turgid. I've just reached the bit where he tells us that he disagrees with the editors of Chitty on relational contracts. He says they have incorrectly summarised the jurisprudence!!

You are supposed to be on holiday. Stop reading these emails.

Best,