

From: Anthony de Garr Robinson [GRO]
To: "Parsons, Andrew" [GRO]
Cc: "Porter, Tom" [GRO]; "Lorraine, Paul" [GRO]; Owain Draper [GRO]
Subject: RE: Draft Letter of Response [BD-4A.FID26859284]
Date: Mon, 27 Jun 2016 11:12:04 +0000
Importance: Normal
Inline-Images: image001.jpg; image002.jpg; image003.jpg

Thanks for this, Andy.

Owain has now done much of his research and I've spent some time talking to him today about where it has led him. He should produce a first draft note tomorrow. Other things being equal, I would review the draft, read the principal cases it cites and have a further discussion with him before he finalises the note and circulates it more widely. However, given where we are in this case, I'm planning to share the draft with you as soon as I receive it, on the express basis that it should not be shared with the client because the final version might end up being a little different. If you would rather I did not do this, let me know.

This afternoon, I'll re-read the letter before action, which will help me clarify/reconstruct my thoughts as to how our response should be structured, the sort of points it should make and the tone it should adopt. Having done that, I will review your early draft response with a view to giving you my immediate thoughts on the two points you identify.

Like you, I think that on several important issues, the burden of proof is likely to be critical. I have already mentioned to Owain that, budget permitting, this is something he might usefully be able to do some research on once his implied term work is done.

Best wishes,

Tony

From: Parsons, Andrew [mailto: [GRO]]
Sent: 27 June 2016 11:38
To: Anthony de Garr Robinson [GRO]
Cc: Porter, Tom [GRO]; Lorraine, Paul [GRO]
Subject: Draft Letter of Response [BD-4A.FID26859284]

Tony

When we spoke last week, I promised to send you our outline of the LOR and then promptly forgot to do so!

Instead, please find attached our working draft of the LOR. No need to review in full at this stage – we're still very much pulling it together. However, would you mind:

1. Skimming the structure of the LOR to see if it works?
2. Reviewing / commenting on / amending section 6 on the POL / SPMR relationship? This is the section where we will most need your input.

You may want to discuss section 6(l) – this is my attempt to solve the thorny problem of those cases where we simply don't know what happened to cause the loss in a branch and will need to address the burden of proof.

Kind regards
Andy

Andrew Parsons
Partner



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