

From: Owain Draper [GRO]
To: Andrew Parsons [GRO]
Cc: Amy Prime [GRO], Anthony de Garr Robinson
Subject: Defence
Date: Fri, 14 Jul 2017 09:07:55 +0000
Importance: Normal

Dear Andy,

I had a read through the Defence last night and this morning in order to consider our approach on a few of the issues. In doing so, I came across some minor drafting points and/or typos and thought it would be worth identifying these.

Para No.	Point
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9	Penultimate sentence – I don't like the reference to Cs having not proven any other cause of loss. Of course they have not yet proven it! I would use instead the words "let alone properly particularised".
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16	"excessively unlikely" should read "extremely unlikely"
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16	Cs have not, I don't think, accepted that there is no systemic error. They have confirmed that they are not alleging such an error (and this is how it is pleaded later in the draft).
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19	New sentence for "They are unfounded....".
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32(2)	A stray "that" before "the Claimants".
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44	The first sentence has gone wrong.
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69(2)(b)	I think the reference should be to how the "losses", rather than shortfall arose.
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69(3)	I think the words "may be bound" are a little too vague. I do not have an alternative to propose other than to dump the passive voice and say "Post Office may hold SPMs to the accounts that they signed off".
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- 95(4) Missing “to” before “assist”.
- 139(1) I think the words “possible reasons for this” set the bar a bit low. Cs have always said it is possible that a shortfall was caused by Horizon. Perhaps we could say “for the relevant Subpostmaster to identify the likely cause or causes”
- 139(3) We should settle on a form of words for the concept of “impossible or impractical” and use it every time the point arises. I prefer “impossible or excessively difficult”.
- 147 We usually refer to PO in the singular, so “Post Office is said to have taken....”.
- 151 Missing “in” before 2015.
- 163 Insert the words “of the relevant” before “Claimants seek to claim”.
- 176 Check for consistency in how we refer in shorthand to Transfield. I prefer “Transfield Shipping v Mercator” for all references after the first full citation.

Best,

Owain

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