

From: Amy Prime [GRO]
To: Andrew Parsons [GRO]
Cc: Paul Stewart [GRO]; Jonathan Gribben [GRO]
[GRO]

Subject: RE: Litigation and Appointment - next steps [BD-4A.FID26896945]

Date: Thu, 22 Mar 2018 20:16:20 +0000

Importance: Normal

Attachments: _DOC_38386038(1)_Updating_Paper_-_22_March_2018.nrl;
_DOC_38386038(1)_Updating_Paper_-_22_March_2018.DOCX

Inline-Images: image003.png; image004.png; image005.png; image006.png; image007.png;
image375142.PNG; image58eee.PNG; image786adc.PNG

All

Further to the below, please find attached talking points for Jane to use at the committee meeting on Monday. Jonny, please could you insert some wording for the work which the expert is currently doing and his next steps?

Rod also called to discuss the UKGI protocol. His preference would be to provide them with a baseline position on the litigation and inform / update them if there is a shift from this baseline (ie. after Counsel have produced their draft / final merits opinion). He would like to minimise how often POL are required to update them but recognises there is a need to do so.

Rod asked for some suggested wording which could be provided to the UKGI. Draft wording below – thoughts / comments welcome.

Draft wording for Rod

A claim has been brought against Post Office by 561 former and current postmasters. Whilst their claims are centred on the adequacy of the IT accounting system (Horizon), their claims are broad and touch on nearly all aspects of a postmaster's relationship with Post Office. The Claimants have not yet articulated a claim value. This information has been requested on multiple occasions.

There will be an initial trial in November 2018 which will seek to determine the true meaning and effect of the contractual relationship between Post Office and postmasters. The Claimants are running an ambitious case which seeks to impose 20 implied terms into a standard contract which would in effect re-write the contract. In some cases these implied terms are contrary to the express terms of the contract and established principles of agency law. A second trial is due to be heard in March 2019 which will determine issues relating to the Horizon IT system.

Since the claim value is unknown, it is difficult at this stage for Post Office to progress any settlement discussions. The Court have ordered that the parties are to use reasonable endeavours to attend a mediation following the November 2018 trial.

END

Many thanks

Amy

Amy Prime

Solicitor

Womble Bond Dickinson (UK) LLP

d:
m:
t:
e:



womblebond Dickinson.com



From: Andrew Parsons

Sent: 22 March 2018 09:51

To: Rodric Williams

Cc: Amy Prime; Paul Stewart; Jonathan Gribben

Subject: FW: Litigation and Appointment - next steps [BD-4A.FID26896945]

Rodric

Do you need any input from us on the UKGI template?

My quick thoughts are that the key reporting windows should tie into our timings for Counsel's opinion, which are:

End of April (after we have the Cs individual pleadings) – so report to UKGI in May?

September (after all documentary and witness evidence is received) – report to UKGI in early October before trial?

We could also add a reporting date post-trial?

I know you know this.... but we need to be careful about sharing privileged information with UKGI. Are we putting in place some protocol for sharing this information with limits on what UKGI can do with it?

A

Andrew Parsons

Partner

Womble Bond Dickinson (UK) LLP

d:
m:
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e:

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From: Jane MacLeod

GRO

Sent: 21 March 2018 15:56
To: Rodric Williams; Andrew Parsons
Cc: Patrick Bourke; Mark Underwood1; Veronica Branton; Diane Blanchard
Subject: FW: Litigation and Appointment - next steps

(Veronica – for awareness re Monday committee meeting; Di – for awareness re setting up a possible call on Friday)

All

I am being chased by UKGI for our views on this – can I have your thoughts? We have the first Board sub-committee meeting on Monday and I would like to flag this to them?

Also, we need to work up an agenda for that sub-committee meeting. So far my suggestions would be:

- ToR
- Litigation timetable & suggested dates for future meetings
- Update on developments since January board meeting:
 - Scope of disclosure
 - Scope of Horizon hearing
 - Appointment of IT expert
 - Application for security for costs
- Engagement with UKGI
- Contingency planning
- AOB

Anything else – we only have an hour? Could we have a call on Friday to discuss?

Thanks

Jane



Jane MacLeod

Group Director of Legal, Risk & Governance

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Mobile number: [REDACTED] GRO

From: O'Neill, Elizabeth - UKGI [REDACTED] GRO
Sent: 01 March 2018 15:51
To: Patrick Bourke [REDACTED] GRO
Cc: Jane MacLeod [REDACTED] GRO; Rodric Williams [REDACTED] GRO; Callard, Richard - UKGI [REDACTED] GRO; Cooper, Tom - UKGI [REDACTED] GRO; Lambert, Helen - UKGI [REDACTED] GRO
Subject: Litigation and Appointment - next steps

Patrick, Helen,

Thank you for your time last week.

As discussed, I attach a standard form litigation protocol along the lines of what we would propose to submit to the Permanent Secretary. As you will see, this sets out various touchpoints in the litigation process, and the steps we intend to take to ensure the Permanent Secretary remains fully informed at each salient point.

If you are able to provide more detail on the litigation timetable, or indeed if you have any comments or suggestions, we would be happy to amend the protocol bespoke to the current litigation.

Separately I'd be grateful, as I indicated in my email to Helen on Monday, if in anticipation of Tom Cooper's appointment, you could let me know if you intend to agree an NDA similar to the one you have with Richard, and if so, forward me the proposed text so that Tom and I may consider.

Kind regards,

Elizabeth

From: Patrick Bourke [GRO]
Sent: 23 February 2018 15:10
To: O'Neill, Elizabeth - UKGI [GRO]
Cc: Jane MacLeod [GRO]; Rodric Williams
[GRO]; Callard, Richard - UKGI [GRO]
Subject: Litigation Meeting

Dear Elizabeth

It was a pleasure to meet with you this morning.

I just wanted to confirm that we have understood the need for an appropriately structured information flow in relation to the matters we discussed earlier, and agree that some form of protocol to govern those arrangements makes very good sense.

While recognising that there is no set format in this regard, it would nonetheless be helpful for us to draw inspiration from similar arrangements you have put in place with other ALBs. You kindly offered to share something with us for that purpose.

We will come back to you with our take on how this might work best in our case, having regard to the particularities of our governance arrangements and the litigation itself.

In the meantime, do please feel free to get in touch if there is anything you'd like to discuss.

Kind regards

Patrick



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