

Message

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**Subject:** FW: Tony tomorrow [BD-4A.FID26896945]  
**Attachments:** imageb698d6.JPG; imagea9f3fc.PNG; image8bbece.PNG; imageb583a8.PNG

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**From:** Andrew Parsons [GRO]  
**Sent:** 28 September 2017 18:44  
**To:** jane.macleod [GRO]  
**Cc:** Amy.Prime [GRO]; rodric.williams [GRO]  
**Subject:** Tony tomorrow [BD-4A.FID26896945]

Jane

I've spoken to Tony this evening. Below is a rough outline of what he plans to cover tomorrow with Paula / Al. This might change before tomorrow – he's a barrister – last minute changes are what they do!

1. Why have we recommended focussing on the contractual points?
  - a. This will be the obvious starting point for the judge. Going against this makes POL look difficult in a case where the Claimants are saying POL is an oppressive organisation.
  - b. Not engaging on the contractual points, gives Freeths the chance to select which contractual issues to promote and makes it difficult for POL to influence how those issues are framed. This may weaken POL's case.
  - c. It is difficult to see how we could address another issue first eg. to deal with Horizon you first need to understand the contractual basis in relation to Horizon.
2. Claim advanced by Freeths
  - a. It is ambitious for them to imply numerous terms.
  - b. That doesn't mean that their case is hopeless, they may well win on some issues (ie. Post Office might have an implied duty to offer adequate training).
  - c. We have a credible argument on the burden of proof issue but it is a complicated point.
3. Mood music
  - a. We need to weave into the story that losing on the "burden of proof" issue would be disastrous for POL, but this needs to be done with great care and not over-exaggerated.

I've also prepped Tony on Paula and Al's respective styles.

I'm [GRO] from 7:30am tomorrow so if you'd like to discuss, please do feel free to call this evening (any time – I'm on the mobile).

Kind regards  
Andy

**Andrew Parsons**  
Partner  
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