

Message

From: Andrew Parsons [GRO]
Sent: 28/03/2019 13:24:46
To: robert worden [GRO]; Jonathan Gribben [GRO]
CC: 'Chris Emery' [GRO]
Subject: RE: letter to Freeths ?

Robert

Lets discuss. Would you mind giving me a call?

My instinct is to complete the analysis first before engaging with Freeths or Coyne.

A

Andrew Parsons

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From: robert worden [GRO]
Sent: 28 March 2019 08:14
To: Andrew Parsons [GRO]; Jonathan Gribben [GRO]
Cc: 'Chris Emery' [GRO]
Subject: letter to Freeths ?
Importance: High

Andy -

How about a letter to Freeths, along the following lines?

Dear sirs -

The defendant's expert has recently identified the following aspects of the evidence:

- The total number of Peaks which contain any mention of a claimant's branch FAD code (in the period when he or she was in post) is less than 1800
- The total number of OCPs or OCRs which contain any mention of a claimant's branch FAD code (when in post) is less than 50
- The total number of KELs which contain any mention of a claimant's branch FAD code (when in post) is less than X (TBD)
- The total number of MSCs which contain any mention of a claimant's branch FAD code (when in post) is less than Z (TBD)

Lists of these documents are now available, and can be easily verified by Mr. Coyne and yourselves.

These comparatively small numbers allow the experts to take a much more direct and evidence-based approach to Horizon issues 1, 12 and 13:

1. Horizon Issue 1: The three acknowledged bugs show that , if a bug in Horizon affects the accounts of some branch, there is a high probability of at least one Peak which mentions that branch's FAD code. It is therefore possible to measure the total financial impact of bugs on the claimants' branch accounts by simply surveying the 1800 Peaks, and adding up their possible financial impact on claimants. To reduce the time required, this might be done on an agreed random sampling basis.
2. Horizon Issue 12: Before 2010, any remote access to a branch account involved the use of an OCP or OCR which mentioned that branch's FAD code. Therefore the number of remote accesses to claimants' branches can be measured by a direct count of the relevant OCPs and OCRs, analysing each one to test if it really is a remote access. After 2010, a similar exercise using Peaks and MSCs can be made.
3. Horizon Issue 13: The same approach as for issue 12 can establish, for each remote access, its likely financial impact on the branch, and the probability that it was made in error and not detected. The sum of financial discrepancies for all claimants can be estimated in this way by direct summation.

Therefore it will be possible in a short time for the experts to reach further opinions on issues 1 , 12 and 13, which will be more directly based on evidence and will be of greater assistance to the court. We suggest the following:

- If judge Fraser is recused, this will give time for the experts each to produce a third brief expert report, addressing issues 1,12 and 13 in the light of this evidence. We should apply to the new Judge for permission to submit these reports.
- If he is not recused, there may less time available, but still the experts should produce a joint statement on their analysis of this evidence. The remaining part of the trial might be delayed a little to allow this.

We will in any case be making submissions along these lines. We believe this new approach to the evidence can significantly simplify the task facing the court on issues 1, 12, and 13.

The same approach may be used for future trials of lead claimants.

Your etc.

Robert