

## Message

**From:** robert worden [GRO]  
**Sent:** 22/05/2019 20:20:15  
**To:** Andrew Parsons [GRO]  
**CC:** 'Chris Emery' [chris.emery@GRO]; Katie Simmonds [GRO]; Jonathan Gribben [GRO]  
**Subject:** RE: Post Office Group Litigation - Expert Report - URGENT AND IMPORTANT [WBDUK-AC.FID26896945]

Andy -

The only follow-on thought to this tirade is:

I would have thought that it is in an important underpinning of the independence of an expert, that he should be able to write to the court directly - and not have his communications with the court filtered by his lawyers. That, and your advice to do so, is why I wrote directly.

But you are right - he is crazy. Sorry to have caused you this trouble.

Enjoy tomorrow. We may learn something of use.

Robert

(Nick - see the whole email chain)

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**From:** Andrew Parsons [GRO]  
**Sent:** Wednesday, May 22, 2019 4:57 PM  
**To:** robert worden [GRO]  
**Cc:** 'Chris Emery' [GRO]; Katie Simmonds [GRO]; Jonathan Gribben [GRO]  
**Subject:** FW: Post Office Group Litigation - Expert Report - URGENT AND IMPORTANT [WBDUK-AC.FID26896945]

Robert - FYI

A

**Andrew Parsons**  
Partner  
Womble Bond Dickinson (UK) LLP

d: [GRO]  
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**From:** Andrew Parsons  
**Sent:** 22 May 2019 16:44  
**To:** 'Patrick Green QC' [GRO]; Fraser, Angela [GRO];

'Angelique.Richardson' GRO '<Angelique.Richardson' GRO '>; 'David Cavender'  
GRO '>; 'Anthony de Garr Robinson' GRO

**Subject:** RE: Post Office Group Litigation - Expert Report - URGENT AND IMPORTANT [WBDUK-AC.FID26896945]

Dear Ms Fraser

I am responding on behalf of Mr Robinson who is away from chambers today. In light of the Judge's direction that this matter be addressed first tomorrow, Mr Robinson will be in Court tomorrow.

For the sake of good order, I note that Dr Worden forwarded his email to Mr Coyne and the Claimants' solicitors immediately after sending it to the Court.

Regards  
Andy

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**From:** Patrick Green QC GRO

**Sent:** 22 May 2019 16:15

**To:** Fraser, Angela < GRO >; Andrew Parsons < GRO >  
'Angelique.Richardson' GRO '<Angelique.Richardson' GRO '>; 'David Cavender'  
GRO '>; 'Anthony de Garr Robinson' GRO

**Subject:** RE: Post Office Group Litigation - Expert Report - URGENT AND IMPORTANT

Dear Ms Fraser

Yes; that direction is understood.

Thank you.

Best,  
Patrick Green

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Patrick Green QC

DDI GRO  
Main

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**From:** Fraser, Angela GRO

**Sent:** 22 May 2019 16:07

**To:** 'andrew.parsons' GRO '<andrew.parsons' GRO '>; 'Angelique.Richardson' GRO '<Angelique.Richardson' GRO '>; Patrick Green QC GRO '>; 'David Cavender'  
GRO '>; 'Anthony de Garr Robinson' GRO

**Subject:** RE: Post Office Group Litigation - Expert Report - URGENT AND IMPORTANT

Dear all

Due to the unusual circumstances of the communication below and the attachments, the Managing Judge directs that none of the claimants' advisers should read (or in any way deal with, including distribute) any of the attachments in advance of tomorrow's hearing, at which point the matter can be properly canvassed. This matter will be addressed first.

The Managing Judge asks for confirmation by return that this direction is understood and will be complied with.

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**From:** Fraser, Angela

**Sent:** 22 May 2019 15:58

**To:** 'andrew.parsons' GRO '<andrew.parsons' GRO '>; 'Angelique.Richardson' GRO '<Angelique.Richardson' GRO '>; Patrick Green QC <PGreenQC@ GRO >; David Cavender

[GRO]; Anthony de Garr Robinson [GRO]  
**Subject:** FW: Post Office Group Litigation - Expert Report - URGENT AND IMPORTANT

Dear all

The Managing Judge has asked me to send the following message to the parties:

1. This e mail below with attachments was sent to the court directly by one of the expert witnesses. Witnesses are not to communicate directly to the court, whether they are lay or expert witnesses. All communications to the Managing Judge (obviously through his clerk) must come from the parties' legal advisers.
2. Further, this e mail was not copied to the claimants, the other side in the litigation. This must never occur. Any communication to the court must always be copied to the other side.

Kind regards

Angela Fraser  
Clerk to the Hon. Mr Justice Fraser  
Judge in Charge of the Technology and Construction Court

The Royal Courts of Justice  
Pod 10, 4<sup>th</sup> Floor  
Rolls Building  
Fetter Lane  
London  
EC4A 1NL

Tel - [GRO]

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**From:** robert worden [mailto:[GRO]]  
**Sent:** 22 May 2019 15:25  
**To:** Fraser, Angela <[GRO]>  
**Cc:** 'Andrew Parsons' <[GRO]>  
**Subject:** Post Office Group Litigation - Expert Report

Dear Ms Fraser -

Please could you pass this on, with its attachments, to the Managing Judge in the Post Office Group Litigation? Thank you.

To Mr Justice Fraser - Concerning the Post Office Group Litigation

Dear Judge,

As was explained by Mr De Garr Robinson in court on 11 April, I have made some further analyses of Horizon Issues 1, 12, and 13. This work was done at my own instigation, and was not prompted by the Post Office or its lawyers. In my opinion this work has led to a material change to my opinions, and I am therefore obliged to inform the court of those

changes in a report. With this email I am sending you the report and its Appendices, in completion of the action. I am doing this on the basis that the trial will re-convene on 4th June, and so the court may need to be aware of it then. The report is 13 pages long.

As the court is aware from my first expert report, I have interpreted 'extent' in Horizon issue 1 as requiring a number - the maximum proportion of the claimed losses which is attributable to bugs in Horizon. My first estimate of that number, in my first report and revised in the second expert joint statement, is 0.4%. This estimate was adjusted in a direction to favour the claimants, so that the court may better rely on it.

In my opinion, that estimate is still sound. The enclosed report contains an independent estimate of the same number, which is 0.6%. Because that estimate is based on a simpler analysis, and relies on evidence that in my view can be checked over a weekend, I believe it can be of assistance to the court. That is why I started this analysis, and why I am now sending it to the court.

Similarly, for Horizon Issues 12 and 13, the analysis in the attached report is in my opinion simple, easy to check, and leads to results which I was not able to derive before. Therefore I believe it can be of assistance to the court.

A draft version of this report was first provided to Mr Coyne on 25th April, and a final version was sent to him on 16 May. I have not yet been able to have a substantive discussion of this report with him, other than my explaining points in the report to him.

I understand that when cross examined on the Horizon issues, this report is now a part of my opinion and I may need to refer to it. It is also my understanding that Post Office does not intend to make any application to the court in relation to this report.

Yours Sincerely,

Robert Worden

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