

From: Simon Henderson [GRO]
To: 'Jonathan Gribben' [GRO], Anthony de Garr Robinson [GRO]
Cc: Andrew Parsons [GRO], Katie Simmonds [GRO], Lucy Bremner [GRO], "Michael Wharton" [GRO]

Subject: RE: Today's call [WBDUK-AC.FID27032497]

Date: Wed, 31 Oct 2018 09:32:17 +0000

Importance: Normal

Inline-Images: image001.png; image002.png; image003.png

Jonny

This is very useful but it does point to the fact that there is a great deal of evidence which Robert requires which has not yet been allocated – and given the current reluctance from FJ this is a real concern.

Has the list been updated against the various references in Robert's latest comments (i.e. his answers – attached to your email to us of 29/10 @ 16.47, and Andy's email to us of 30/10 @ 11.02 - to the queries which Tony and I raised): there are frequent references in those notes to his desire for further evidence. I'm sure that the great majority have already been raised by him but this is worth checking I think.

If it helps, I have picked up the following references:

In Robert's "Responses to Comments on Summary of Opinions" the following para and comment id's contain some reference to a request or need for further evidence:

- Para 10/A4
- Para 25/A18
- Para 29/A20
- Para 31/S21
- Para 31/S25
- Para 32/S27
- Para 32/ S28
- Para 33/S31
- Para 34/ A32
- Para 35/ A34
- Para 35/ A35
- Para 66/ S59
- Para 82/ A63

In Robert's comments on our comments in "Analysis of KELs in the Coyne Report":

- Comment R16

In Robert's comments on our comments in "Alternative Formulation of the Main Analysis":

- Comment R19

In Robert's comments on our comments in "Financial Impact of All Bug – Main Analysis":

- Comment R6

It would be well worth someone trying to check off these items against the list – as I say I'm sure the majority are there but it would be very easy for some to have been missed.

Best

Simon

From: Jonathan Gribben [mailto:[GRO](#)]
Sent: 31 October 2018 08:01
To: Anthony de Garr Robinson <[GRO](#)>; Simon Henderson <[GRO](#)>
Cc: Andrew Parsons <[GRO](#)>; Katie Simmonds <[GRO](#)>
Lucy Bremner <[GRO](#)>; Michael Wharton <[GRO](#)>
Subject: RE: Today's call [WBDUK-AC.FID27032497]

Dear Tony,

I wouldn't describe it as simple, but here is an updated version of the table which catches all of the points referred to in your email of 26/10. It has been updated by my colleague Michael and the notes are mine based on an initial pass of the document.

Any objections to me sharing this with Robert in advance of the con?

Kind regards

Jonny

Jonathan Gribben
Managing Associate
Womble Bond Dickinson (UK) LLP

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m:
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e:

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Simon Henderson
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From: Anthony de Garr Robinson [[mailto:](#) 
Sent: 30 October 2018 14:30
To: Jonathan Gribben; 'Simon Henderson' 
Cc: Andrew Parsons; Katie Simmonds; Lucy Bremner
Subject: RE: Today's call [WBUDK-AC.FID27032497]

Dear Jonny,

Do you have a simple list of the issues on which we are proposing to prepare evidence – which identifies all the issues on which Rob has requested evidence? Your table of 27/10 does not seem to do that. Incidentally, does it definitely cover all the paras from Coyne that anyone has suggested that we need to deal with?

Best wishes,

Tony

From: Jonathan Gribben [GRO]
Sent: 27 October 2018 12:29
To: Anthony de Garr Robinson [GRO]; 'Simon Henderson [GRO]
Cc: Andrew Parsons [GRO]; Katie Simmonds [GRO];
Lucy Bremner [GRO]
Subject: RE: Today's call [WBDUK-AC.FID27032497]

Dear Tony,

Thank you for your comments – I have passed them on to Robert.

The process for deleting KELs is set out in "SVM/SDM/PRO/0875 End to End Application Support Strategy" section 11.2.5 "KEL deletion" and "SVM/SDM/STP/3289 Terms of Reference for POA KEL Approval Forum" which includes in its remit, section 1.1: "*That issue, time or service expired KEL's are retired or archived (deactivated)*". Those documents have been disclosed, but we don't know if Coyne has read them. We are exploring whether FJ can retrieve the deleted KELs.

I've attached the current version of our witness evidence plan. We will update it on Monday to catch anything in the documents you refer to below that isn't already covered.

Kind regards

Jonny

Jonathan Gribben
Managing Associate
Womble Bond Dickinson (UK) LLP

d: [GRO]
m:
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From: Anthony de Garr Robinson [mailto: [GRO]
Sent: 26 October 2018 15:34
To: Jonathan Gribben; 'Simon Henderson [GRO]
Cc: Andrew Parsons; Katie Simmonds; Lucy Bremner
Subject: RE: Today's call [WBDUK-AC.FID27032497]

Dear Jonny,

Further to my email of last night with my and Simon's comments on Rob's updated summary of opinions, I enclose our comments on the following documents:

1. Rob's alternative formulation of the main analysis.
2. Rob's analysis of KELs in the Coyne report.
3. Rob's financial impact of all bugs v3.

I am troubled to discover that all records for some KELs have been destroyed (and I see that Rob is, too). Not only does it suggest a distressingly casual approach to maintaining the system, it also seems to undermine at least some of Rob's quantitative analyses. It is far from ideal that those analyses already depend on some important assumptions that could be said to be arbitrary. If the destroyed KELs problem requires further such assumptions to be made, these analyses will be even easier to attack. On top of these difficulties, I worry that we are only discovering that KELs have been destroyed now and that, even now, Coyne may not know about this. Is that the position?

We will no doubt be discussing this next week.

A further important question that arises from Rob's documents is whether Rob has properly considered whether and to what extent the points that he derives from the documents he has seen in fact require witness or other evidence to substantiate them. This is not an easy thing for an expert to do: it is usually what litigators are for.

If we had time, we would wait and see what Rob's final report is going to look like, we would identify the various factual inferences and assumptions on which it is based and we would then work out whether the existing documents bearing on those assumptions and inferences are sufficient to demonstrate their veracity or whether further evidence is needed to substantiate them (whether in the form of witness evidence or further disclosure). However, we do not have time to do this. This makes us more dependent on Rob's judgments on these questions than we would like to be.

These judgments are hard for Rob to make and, given the relatively small amount of Coyne paras which Rob has identified as requiring evidence (in his further evidence required document), I think it would be helpful for someone to draw up a table briefly identifying the issues on which anyone thinks that evidence may be required. That table could then be used as the basis for a discussion with Rob early next week.

Could someone at WBD produce the first draft? In the first instance, that person could produce a table which organises in a coherent way and briefly describes the issues covered by the following references or paras:

1. all references to "evidence" in the documents attached to this email and to my email of yesterday (including in particular the references in the comments Simon and I have added to those documents);
2. all the Coyne paras referred to in Rob's document entitled "further evidence required"; and

3. the following additional Coyne paras: 3.6 last sentence, 3.16 last sentence, 3.21 last sentence, 3.23 last sentence, 3.24 first sentence, 5.11, 5.27, 5.30 last sentence, 5.40, 5.75, 5.76, 5.113, 5.176, 5.180, 5.183, 5.185, 6.3-4, 6.47, 6.64 second sentence, 6.65 first sentence, 6.66 last sentence, 6.68, 6.69, 6.71 first sentence, 7.1, 7.28, 7.31, 7.36-7, 7.41 first and second sentences, 7.42, 8.21, 9.10, 9.17, 9.22, 9.25, 9.44, 9.61, 9.67, 9.70 last sentence, 9.71, 9.72 and 9.73

This will be a laborious job but if done with intelligence and concision it could save the whole team a great deal of time and considerably improve the quality of the decisions ultimately made as to the evidence we should serve. Needless to say, the table would not address the quandary we face in relation to the lead claimants' evidence for the common issues trial (other than Stubbs' evidence of kiosk operations problems referred to in Coyne para 5.27). In relation to that evidence, I share Simon's view that it would be difficult to make any decision until we know what we have seen all the evidence that Post Office can call on all the difficulties the lead claimants say they faced when operating their branches.

Best wishes,

Tony

From: Anthony de Garr Robinson

Sent: 25 October 2018 18:53

To: 'Jonathan Gribben' [GRO]; Simon Henderson

[GRO]

Cc: Andrew Parsons [GRO]; Katie Simmonds [GRO]

Lucy Bremner [GRO]

Subject: RE: Today's call [WBDUK-AC.FID27032497]

Dear Jonny,

I enclose Rob's updated summary of opinions, with comments both from Simon and from me. Simon's comments are all short, to the point and well made. Mine are more discursive, less narrow and some of them probably proceed on the basis of some misconceptions on my part. The idea is to make Rob aware of possible lines of attack and to get him thinking about how to deal with them – perhaps with more documentary or witness evidence.

The points on which I would most welcome Rob's thoughts are those I raises in AdGR4, 9, 17, 26, 29, 50 and 69. I'd also be very interested to know his answers to the questions I pose in AdGR 25, 38, 40 and 41.

I will let you have comments on Rob's other documents tomorrow.

I wonder whether it would be helpful for Rob and us to have a telecon about our comments early next week, before Rob finalises and releases his sections 7 and 8?

Best wishes,

Tony

From: Jonathan Gribben <[redacted] GRO [redacted]>
Sent: 24 October 2018 14:56
To: Anthony de Garr Robinson <[redacted] GRO [redacted]>; Simon Henderson
<[redacted] GRO [redacted]>
Cc: Andrew Parsons <[redacted] GRO [redacted]>; Katie Simmonds <[redacted] GRO [redacted]>
Lucy Bremner <[redacted] GRO [redacted]>
Subject: RE: Today's call [WBDUK-AC.FID27032497]

Tony, Simon,

Please find attached:-

1. further evidence that Robert has requested following on from JC's report
2. an updated summary of opinions (will be section 2 of his report), which contains this new material (you were requested with an earlier version of this under cover of my email below):
 - a. In 1.2.5, a first answer to your request for the impact of Horizon bugs on an individual claimant; and
 - b. In 1.6, Robert's initial response to Coyne's report, and his approach to writing this report or deferring to the supplemental report;
3. an alternative way to present the main analysis, which is planned to be section 8.4 - after the presentation you already have – and a request for additional evidence in relation to that analysis; and
4. Robert's preliminary analysis of the KELs cited by Coyne.

Robert is keen to receive feedback on the attached, either by email or on a call. Please would you let me know which you'd prefer and when you're free.

Kind regards

Jonny

Jonathan Gribben
Managing Associate
Womble Bond Dickinson (UK) LLP

d: [redacted]
m: [redacted]
t: [redacted]
e: [redacted] GRO [redacted]

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From: Jonathan Gribben

Sent: 18 October 2018 11:29

To: Anthony de Garr Robinson [GRO]; Simon Henderson [GRO]

Cc: Andrew Parsons [GRO]; Katie Simmonds

Subject: Today's call [WBDUK-AC.FID27032497]

Tony, Simon,

Please find attached:-

1. a paper clarifying Robert's previous analysis of the financial impact of Horizon bugs that he has produced following our call on 21 September;
2. Robert's current summary of opinions section 2, to provide context to assess the note on the main analysis of bugs; and
3. an updated version of our table about the references to Horizon issues in the Claimants' witness evidence with a new column noting references to those issues in Coyne's report.

While the focus of today's call is Coyne's report it would be useful to cover the impact of bugs analysis if we have time.

Kind regards

Jonny

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