

From: Owain Draper <[REDACTED]>
To: Andrew Parsons <[REDACTED]>, Gideon Cohen <[REDACTED]>, Dave Panaech <[REDACTED]>, Mandy Robertson <[REDACTED]>, Amy Prime <[REDACTED]>, Victoria Brooks <[REDACTED]>
Cc: David Cavender <[REDACTED]>
Subject: Re: Examination in chief
Date: Tue, 13 Nov 2018 22:13:05 +0000
Importance: Normal
Inline-Images: image001.png; image002.png; image003.png

Sure – we will knock up some submissions tomorrow on this point.

The key points are (1) the manuals in all relevant periods make clear that amounts settled centrally can be disputed and (2) the Lead Claimants did in fact settle centrally and dispute. Ultimately, therefore, the rules were clear and the Lead Claimants acted consistently with having known the rules. Any suggestion now that they did not know that they could dispute is self-serving and can be rejected. It is also worth noting that many (perhaps even all) the LCs in fact admit to having known that they could dispute amounts that they settled centrally (which is unsurprising given that they in fact did it).

There is also the even more basic point, which David has put to the witnesses: irrespective of the reason for the shortfall or any dispute over it, it can never be honest to make a false statement subject to a declaration of truth. We will say that even a sudden and unexplained shortfall of £20k could not justify false accounting – the honest SPM in that circumstance simply accounts properly and throws up his hands, asking for help; he does not lie to Post Office about the cash in the branch and hope that it never finds out.

I would be amazed if even this Judge were to say that false accounting was in some way justified. That would be perverse, in the strict sense of that term. It is also completely irrelevant to the construction of the contracts, although I agree that Green will try to rely on it! I imagine he may clash with the Judge on these points in closing.

Kind Regards,

Owain

Owain Draper

One Essex Court, Temple

EC4Y 9AR

Switchboard: [REDACTED]

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From: Andrew Parsons <[REDACTED]>
Date: Tuesday, 13 November 2018 at 21:50
To: Gideon Cohen <[REDACTED]>, Dave Panaech <[REDACTED]>, Mandy Robertson <[REDACTED]>, Amy Prime <[REDACTED]>, Victoria Brooks <[REDACTED]>
[REDACTED]

Cc: David Cavender [GRO], Owain Draper [GRO]
Subject: RE: Examination in chief

Please can you send me the draft submissions (or an outline) on point 2. We really need to nail this point otherwise we risk our house of cards coming down as Green will say if SPMs can't dispute losses, then PO forces them to put inaccurate things in their accounts, that justifies false accounting, it also means that they cannot be held liable for what their accounts say (because those accounts are plainly inaccurate because they can't dispute mistakes), thus the normal rules of agency cannot apply to SPMs and clauses 12.12 / 4.1 should be construed as requiring PO to prove every loss in every account.

A

Andrew Parsons
Partner
Womble Bond Dickinson (UK) LLP

d:
m:
t:
e:

GRO

andrew.parsons [GRO]

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From: Gideon Cohen [mailto:[GRO]]
Sent: 13 November 2018 21:44
To: Andrew Parsons; Dave Panaech; Mandy Robertson; Amy Prime; Victoria Brooks
Cc: David Cavender; Owain Draper
Subject: RE: Examination in chief

Thanks Andy.

On your first point, is that a question for evidence or for a possible amendment to the Defence? Owain, given that it is Stubbs, you are probably better placed to take a view?

On the second point, we could pick that up with Angela, but might get a bit lengthy for XIC. My view is that we have the material available to deal with this in submissions.

All best

Gideon

Gideon Cohen
Barrister

One Essex Court
Temple
London EC4Y 9AR

Switchboard:

GRO

Fax number:

GRO

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From: Andrew Parsons (GRO)

Sent: 13 November 2018 21:22

To: Gideon Cohen; Dave Panaech; Mandy Robertson; Amy Prime; Victoria Brooks

Cc: David Cavender; Owain Draper

Subject: RE: Examination in chief

Gideon - These are fine.

Dave / Victoria – between you, please can you let the witnesses know the general nature of the questions they will get.

Gideon - two other points.

1. What are we doing about the Stubbs defence that refers to docs from Paul Williams that Paul did not send? This is not a problem with Paul's evidence but a mistake by the legal team in preparing the Defence so I think we need to own up to this.

2. I'm really not comfortable that the Judge has a clear understanding of how SPMRs can dispute either transactions corrections or end of trading period shortfalls. We could pick this up with Angela?

Thoughts?

A

Andrew Parsons
Partner
Womble Bond Dickinson (UK) LLP

d:

m:

t:

e:

GRO

GRO

andrew.parsons@ (GRO)

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From: Gideon Cohen [mailto:**GRO**]
Sent: 13 November 2018 18:35
To: Dave Panaech; Mandy Robertson; Amy Prime
Cc: Andrew Parsons; David Cavender; Owain Draper
Subject: Examination in chief

All,

Please see attached the 2 documents we are currently intending to present as typo-corrections for our witnesses.

There are a number of other points which will be canvassed in examination in chief rather than by written correction, because they are (a) new evidence and/or (b) more involved than a typo correction. Currently, we have questions for Beal (clarifying which hotline was 24 hr); Haworth (clarifying which checklist he used, and mentioning the CoA for the Crossflatts branch); Trotter (explaining why he didn't go through the contract in his first interview with Dar); and Van Den Bogerd (giving figures on how many branches, both generally and of the Cs in this case, are run by (a) companies and/or (b) multiples).

The additional points for examination in chief which arose today were for Longbottom (explaining the nature of the 2 page balancing guide, and that it was not a replacement for the manuals) and Ridge (explaining that there were 2 different Christines with different jobs).

Please let me know if there are any queries, internally or from the witnesses, on what will be covered.

Thanks

Gideon

Gideon Cohen
Barrister

One Essex Court
Temple
London EC4Y 9AR

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Fax number:

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