

From: Anthony de Garr Robinson <[REDACTED]>
To: "Parsons, Andrew" <[REDACTED]>
Subject: RE: GLO Letter [BD-4A.FID26859284]
Date: Sat, 16 Jul 2016 09:13:42 +0000
Importance: High
Attachments: 047.Bates.our_letter_of_response.docx

Dear Andy,

Here's the letter.

You will see that I have tracked the changes since the version I sent you yesterday. You will also see some comments on consistency of formatting etc at the beginning of the letter, and that the body of the letter has more than a couple of changes (not least because I did a spellcheck this time). I hope that these changes don't cause you any problems – the ones I would really like you not to leave out are in paras 22.1.3 and 6.34 and 11.1.2 (a suggestion on victimisation which would make our lives easier). I have suggested some changes to sections 9-13 which I think make them better but are not crucial.

Best wishes,

Tony

From: Parsons, Andrew [mailto:[REDACTED]]
Sent: 16 July 2016 08:33
To: Anthony de Garr Robinson <[REDACTED]>
Subject: RE: GLO Letter [BD-4A.FID26859284]

Thanks Tony.

Andrew Parsons
Partner
Bond Dickinson LLP
Tel: [REDACTED]

From: [Anthony de Garr Robinson](#)
Sent: 16/07/2016 07:58
To: [Parsons, Andrew](#)
Cc: [Prime, Amy](#)
Subject: Re: GLO Letter [BD-4A.FID26859284]

I am on my way into work and the first job on my list is to finish off my amendments to the last schedule. You should have it by about 9 AM. I've made a couple of other very small changes to the main body of the letter for reasons which will be obvious when you see it.

Best wishes,

Tony

Sent from my iPhone

On 16 Jul 2016, at 06:52, Parsons, Andrew <[REDACTED]> wrote:

Tony

What's your plan for comments on the schedules?

I've spoken to POL. A few members of the team have put aside time tomorrow to review the letter so it would be good to get it out to them later today.

Kind regards
Andy

Andrew Parsons
Partner
Bond Dickinson LLP

Tel: **GRO**

From: Anthony de Garr Robinson<<mailto:>**GRO**>
Sent: 15/07/2016 16:48
To: Parsons, Andrew<<mailto:>**GRO**>; Loraine, Paul<<mailto:>**GRO**>
Subject: RE: GLO Letter [BD-4A.FID26859284]

Very good, I'll send them over later, having tracked the changes from the version I sent you earlier.

By the way, regarding the Willers v Gubbay case which I have referred to in the letter in the context of malicious prosecution, I see that the case has already gone to the court of appeal and will I think be the subject of a judgment of the Supreme Court to be handed down next Wednesday (see attached email). On any view, what I say about the case in the letter is not the last word and the case will need to be reviewed before the letter is sent out.

Best wishes,

Tony

From: Parsons, Andrew [<mailto:>**GRO**]
Sent: 15 July 2016 13:05
To: Anthony de Garr Robinson <<mailto:>**GRO**>; Loraine, Paul
<<mailto:>**GRO**>
Subject: RE: GLO Letter [BD-4A.FID26859284]

Tony

Thanks. We'll go through and work in your comments on sections 1-8. It would be good to get your comments on the schedules if possible, even if that is later this afternoon.

Andy

Andrew Parsons
Partner
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From: Anthony de Garr Robinson [<mailto:>**GRO**]
Sent: 15 July 2016 12:39
To: Parsons, Andrew; Readhead, Tiffany; Loraine, Paul
Subject: RE: GLO Letter [BD-4A.FID26859284]
Importance: High

Dear all,

Here is where I have got to with the letter, working too fast and without checking things, proofreading or even making a spellcheck. I have just about got to the end of section 8, although my review of everything from section 7 was quite hurried.

I have not looked at the remaining sections of the letter but I have looked at the schedules and have many proposed amendments

for them. They are not huge amendments but they will improve the quality and avoid some hostages to fortune. Do you want me to let you have them? If so, I will not be able to turn to that until after 3pm.

Let me know what you want me to do. Please note that I expect to be out of circulation for almost the whole of the weekend and much of the early part of next week. However, that may suit you!

Best wishes,

Tony

From: Parsons, Andrew [mailto: [REDACTED] GRO]
Sent: 14 July 2016 15:19
To: Anthony de Garr Robinson [mailto: [REDACTED] GRO]; Readhead, Tiffany [mailto: [REDACTED] GRO]; Loraine, Paul [mailto: [REDACTED] GRO]
Subject: RE: GLO Letter [BD-4A.FID26859284]

Tony

You do your amendments first and then we'll feed in anything else we have.

A

Andrew Parsons
Partner
Bond Dickinson LLP
Tel: [REDACTED] GRO

From: Anthony de Garr Robinson [mailto: [REDACTED] GRO]
Sent: 14/07/2016 14:59
To: Parsons, Andrew [mailto: [REDACTED] GRO]; Readhead, Tiffany [mailto: [REDACTED] GRO]; Loraine, Paul [mailto: [REDACTED] GRO]
Subject: RE: GLO Letter [BD-4A.FID26859284]

I'm not sure the nature of the proceedings are key – the key point for us may be that the tort of abuse of the process (Crawford does not call it malicious prosecution) requires bringing proceedings for a purpose other than the recovery of the money sought in the proceedings, which is clearly not our case and which they do not even allege here.

Hold on, though – who's currently in charge of the travelling draft?

From: Parsons, Andrew [mailto: [REDACTED] GRO]
Sent: 14 July 2016 14:46
To: Anthony de Garr Robinson [mailto: [REDACTED] GRO]; Readhead, Tiffany [mailto: [REDACTED] GRO]; Loraine, Paul [mailto: [REDACTED] GRO]
Subject: RE: GLO Letter [BD-4A.FID26859284]

Tony

I was going to ignore it as they haven't put forward a case on this. May be we just add a footnote.

Paul. Would you mind addressing this point? I think you can only bring an MP claim for certain types of civil proceedings, not all civil proceedings. Ask Amy, she might know the case law on this.

A


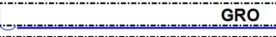

Andrew Parsons
Partner
Bond Dickinson LLP
Tel: [REDACTED] GRO

From: Anthony de Garr Robinson [mailto: [REDACTED] GRO]
Sent: 14/07/2016 14:27
To: Readhead, Tiffany [mailto: [REDACTED] GRO]
Cc: Parsons, Andrew [mailto: [REDACTED] GRO]
Subject: RE: GLO Letter [BD-4A.FID26859284]

Thank you, Tiffany.

Andy, is anyone proposing to deal with their argument that we are liable for malicious prosecution in relation to the civil proceedings we have brought? For this purpose, they are relying on Crawford Adjusters v Sagicor. Should the letter not be addressing the point?

Tony

From: Readhead, Tiffany [mailto:
Sent: 14 July 2016 14:06
To: Anthony de Garr Robinson <arobinson.
Cc: Parsons, Andrew <andrew.parsons.
Subject: RE: GLO Letter [BD-4A.FID26859284]


Afternoon

As requested, please find attached the updated version of the letter to Freeths.

Thanks

Tiff

Tiffany Readhead
Secretary
Bond Dickinson LLP
<image004.jpg>

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From: Parsons, Andrew
Sent: 14 July 2016 13:44
To: Anthony de Garr Robinson
Cc: Readhead, Tiffany
Subject: RE: GLO Letter [BD-4A.FID26859284]


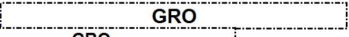
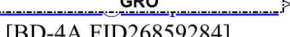
Tony

Forgot to say. The letter hasn't changed much. Some work has been done to the Heads of Claim section.

Tiff. When you're finished making those changes I gave you, please could you send Tony the updated letter.

A

Andrew Parsons
Partner
Bond Dickinson LLP
Tel: 

From: Anthony de Garr Robinson<mailto:
Sent: 14/07/2016 13:21
To: Parsons, Andrew<mailto:
Cc: Porter, Tom<mailto:
Subject: RE: GLO Letter [BD-4A.FID26859284]

He's promised me this afternoon, I'm going over the other parts of the letter you sent me with my pen and will have amendments to many parts. Would lunchtime tomorrow be too late for you? Has the draft changed much since the version you sent to me? Where are you dealing with the remote data alteration point?

From: Parsons, Andrew [mailto:] GRO
Sent: 14 July 2016 12:47
To: Anthony de Garr Robinson < > GRO
Cc: Porter, Tom < > GRO
Subject: RE: GLO Letter [BD-4A.FID26859284]

Tony

Thanks.

We agree with your amendments. We'll tidy up the letter, chase down your questions and get this sent.

On the Comm Ct point, I agree that if this is to be even a viable option we need to do it in a transparent manner which means setting it up in correspondence first.

Do you have an ETA on the sections you / Owain were amending on the LOR?

Kind regards
Andy

Andrew Parsons
Partner
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From: Anthony de Garr Robinson [mailto:] GRO
Sent: 14 July 2016 10:24
To: Parsons, Andrew
Cc: Porter, Tom
Subject: RE: GLO Letter [BD-4A.FID26859284]
Importance: High

Dear Andy,

Here are my suggestions for your letter. I hope they are self-explanatory. Given the time pressure, I have not rigorously gone through the order to ensure that it all fits together on our case (that it should be in the commercial court etc).

Tom's suggestion really is brilliant. However, if we suddenly made an application to the commercial court in an attempt to steal a march on the other side, this would go down very badly with both courts. I have added some wording to the letter and have amended the Order in ways that are designed to provoke an unequivocal response from Freeths that they will absolutely never agree to transfer. If and when that happens, and depending on how they express themselves, we might have an opportunity to reply by saying something like (1) the parties agree that there should be a GLO and it is now clear what the issues are because we've served our letter of response, (2) it is also clear that we are never going to agree on forum, and that this is the most urgent issue, and (3) we've considered how best to resolve that issue and it seems to us that the quickest and most appropriate procedure is through an application for a GLO to be made by the commercial court, and (4) obviously, the claimants will not be making this application but the defendant will and (5) the claimants can expect to receive the necessary papers shortly.

I'm more than a little concerned that this could end up rebounding on us, but let's decide once we've sent our letter of response.

Best wishes,

Tony

From: Parsons, Andrew [mailto:] GRO
Sent: 13 July 2016 19:18
To: Anthony de Garr Robinson < > GRO
Cc: Porter, Tom < > GRO
Subject: GLO Letter [BD-4A.FID26859284]

Tony

Please find attached a draft letter to Freeths and an amended GLO for your comments.

Tom P came up with an interesting, if slightly mischievous, idea on the issue of moving matters to the Commercial Court. Both Claimants and Defendants can apply for a GLO at any time, even before a Claim is issued or served. Post Office is therefore at liberty to apply to the Commercial Court for a GLO. The fact that Freeths have issued in the QBD doesn't prohibit such an application.

Therefore, rather than try to transfer the QBD Claim to the Commercial Court, we could simply make our own application to the Commercial Court for a GLO (which would include the usual direction that all claims be moved to the Management Court ie. the QBD claim would be moved to the Commercial Court).

Too mad or worth consideration?

Andy

Andrew Parsons

Partner

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