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Second Letter

Freeths LLP
100 Wellington Street
Leeds
West Yorkshire
LS1 4LT

By email only

Womble Bond Dickinson (UK) LLP

Oceana House
39-49 Commercial Road
Southampton
SO15 1GA

Tel: GRO
Fax: GRO
DX: GRO
andrew.parsons@wbd.com GRO
Direct: GRO

Our ref:
AP6/AP6/364065.1369
Your ref:

Dear Sirs

**The Post Office Group Litigation
Horizon Issues
Further Supplemental Report of Dr Worden**

As you will recall, at the hearing on 11 April 2019 Mr de Garr Robinson informed the Court of two analyses which Dr Worden wished to discuss with Mr Coyne relating to Horizon Issues 1, 12 and 13.

Subsequently, and as you are no doubt aware, Dr Worden discussed the analyses with Mr Coyne on a without prejudice basis and on 25 April 2019 provided Mr Coyne with a draft version of a report setting out his views on them, again on a without prejudice basis. This therefore facilitated early engagement between the experts on the analyses. The experts are shortly meeting to discuss this report. Pending that meeting, and without waiving privilege in the draft report, we wanted to advise you of our client's current thinking.

As we have already made clear, Dr Worden undertook his analyses at his own instigation in the belief that his work will assist the Court to determine Horizon Issues 1, 12 and 13. Dr Worden believes that his duties to the Court as an expert oblige him to update the Court on his work by providing it with a further supplemental report.

In relation to any supplemental report that may be so tendered by Dr Worden, we are considering our position, however we are not currently minded to apply for permission to rely on the Peak based analysis that goes to Horizon Issue 1. In considering this we are conscious of the work that might be required in relation to this analysis and the potential adverse impact on both the Claimants and the Horizon Issues trial. However as regards the OCR, OCP and MSC based analysis that goes to Horizon Issues 12 and 13 our preliminary view is that this could assist the Court as it provides a conclusion that Dr Worden had not previously articulated and the consequential analysis would require limited additional work. In these circumstances our client is considering whether to apply for permission to rely on a report containing this analysis. If our client does make that application, it would of course also seek permission for your clients' expert to file a responsive report should he wish to do so.

We would like to invite you to share with us your views on how these matters should be handled and your reasoning for that pending the next expert meeting.

We should be grateful for a response as soon as possible.

Yours faithfully

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