

**CONFIDENTIAL AND LEGALLY PRIVILEGED  
POST OFFICE GROUP LITIGATION**

Steering Group Meeting: 20 November 2017

**DISCUSSION PAPER: Next 12 months****1. THIS PAPER**

- 1.1 This paper sets out a number of discussion points regarding the decisions to be made and resources required for the next 12 months.

**2. MAJOR DECISION MILESTONES**

- 2.1 A full timetable of activity is in appendix 1. The major points where authority from the PLSG will be required are below. The PLSG may wish to consider whether any of these would require the approval of GE or someone else.

Action	Deadline	Recommended PLSG meeting date
Selecting initial pool of Lead Claimants	23 November 2017	20 November 2017
Disclosure of documents to Freeths	19 & 23 January 2018	w/c 8 January 2018
Selection of final 6 Lead Claimants for trial	23 February 2018	w/c 11 February 2018
Serve Post Office's Defences	4 May 2018	w/c 23 April 2018 + w/c 30 April 2018
Agree Statement of Facts with Freeths	29 June 2018	w/c 25 June 2018
Submit proposals for trial in March 2019	27 July 2018	w/c 16 July 2018 + w/c 23 July 2018
Serve witness statements	13 August 2018	w/c 30 July 2018 + w/c 6 August 2018
2 <sup>nd</sup> CMC (to determine scope of March 2019 trial)	19 September 2018	w/c 10 September 2018

**3. WORKSTREAMS AND RESOURCE**

Workstream	When	Internal support	External support
Active Claimants	Ongoing	To be discussed – see other decision paper	

Preservation and disclosure of documents	Now to January 2018 (and may be through 2018 if there are further disclosure orders)	K&S – to locate documents POL IT – to facilitate access to IT systems	Fujitsu – to allow access to their documents Accenture – to facilitate access to POL IT systems Advanced Discovery – forensic retrieval of documents and hosting documents in data room
Preparation of evidence for trial	Now to August 2018	K&S 30-50 people across the business need to be interviewed. List of people and interview plan being prepared.	There will be around a dozen leavers who need to be interviewed. Fujitsu – may need a witness statement from FJ on Horizon
Preparation of expert evidence	No specific deadline	POL IT	Expert witness – see other paper. Fujitsu and ATOS to answer questions
Preparation for trial	Aug 18 to Nov 18	K&S All witnesses	
March 2019 (if preparation is to run in parallel with November 2018 trial)	September 2018 onwards		Second legal team from WBD and additional Counsel.

#### 4. KEY PEOPLE

- 4.1 Rodric Williams and Mark Underwood – significant demands will be placed on the time of Rodric and Mark, frequently requiring immediate or very short notice responses. Consideration should be given to whether they require more support.
- 4.2 Kath & Shirley – the loss of Kath & Shirley and their team would significantly harm Post Office's prospects of success. They are an invaluable source of information. We would strongly recommend that all efforts should be made to retain them at least to the conclusion of the trial in November 2018, but most likely far beyond that.
- 4.3 PLSG – Given the tight timescales it is important that the PLSG is able to provide prompt instructions from a fully quorate body. Consideration should be given to (i) deputies for PLSG members and (ii) escalation routes up from the PLSG for critical decisions.
- 4.4 Counsel – Following the direction from GE, a second QC is being engaged to ensure that Post Office can be represented and advised by a QC at all times.
- 4.5 WBD – WBD's legal team consists of 1 Partner, 2 Managing Associates and 5 other solicitors. A further partner from WBD could be take a watching brief on the case to cover for Andrew Parsons if unavailable.

## **5. COMMS**

### **5.1 Key points for media interest are:**

- 5.1.1 Selection of Lead Cases – 23 November 2017 and 23 February 2017
- 5.1.2 Addition of new Claimants to the Group Litigation – 24 November 2017
- 5.1.3 Submission of the Lead Claimants' claims – 29 March 2017
- 5.1.4 Submission of evidence – 13 August 2017
- 5.1.5 Any Court hearing
- 5.1.6 Trial in November 2018

### **5.2 Does the comms team need further support / resources?**

## **6. RISK MITIGATION**

### **6.1 Counsel has been asked to prepare a full written advice on Post Office's prospects of success at the November trial. This will be available at the end of March 2018. This advice will feed into a risk mitigation plan for avoiding or minimising any adverse outcomes from the trial. Consideration needs to be given to how and when to resource that risk mitigation team.**

### **6.2 GE has asked that we "black hat" the litigation, by having someone argue against all our positions and decisions. This could be done in a number of ways:**

- 6.2.1 A rotating and independent senior person from POL could attend PLSG meetings.
- 6.2.2 Our new QC could be asked to reformulate the Claimant's case into the strongest terms possible so to test the strength of Post Office's defences.
- 6.2.3 An independent partner from WBD could undertake a monthly arm's length review of the case (this could be the same partner providing the watching brief at para 4.5 above).

## **7. FINANCES**

### **7.1 WBD are preparing a full cost estimate up to the end of the November 2018 trial based on the Court's current Orders. These estimates have been prepared on the basis that Post Office wishes to robustly defend the claims to the very highest standard. Current estimates (which have not yet been verified) are:**

- 7.1.1 Counsel: £4m
- 7.1.2 WBD: £1.9m
- 7.1.3 Other costs: £400k (e-disclosure; electronic trial bundles; transcription services, etc.)

### **7.2 We would also recommend an additional contingency of £2m against further Court orders / unforeseeable events.**

### **7.3 We will provide next week full cost estimates (with line by line breakdowns) and pricing proposals for your consideration.**

7.4 Other external costs:

7.4.1 Fujitsu – see other paper.

7.4.2 Deloitte

7.4.3 Expert Witness

7.4.4 Accenture / other IT providers

7.5 What is Post Office' accounting treatment for these costs?

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**POST OFFICE GROUP LITIGATION – KEY DATES AND ACTIONS**

Date	Court Orders  Major Court Orders are in red	Which party?
27 October 2017	Amendments to Claim Forms HQ16X01238 & HQ17X02637 to remove misfeasance in public office by 4pm.	Claimants
3 November 2017	Defendant's to identify the names of Claimants who have not provided an approximate value to points 8.1, 8.3, 8.4 and/or 8.5 in their SOI to Claimants' Solicitors.	Post Office
10 November 2017	Generic Rejoinder and Reply to Defence to Counterclaim to be filed	Post Office
10 November 2017	Application to strike out the claims of conspiracy and contravention of the ECHR to be issued.  Date to be heard by Managing Judge to be fixed.	Post Office
23 November 2017	Potential Lead Claimants (6 each) to be chosen for the trial of the Common Issues by 4pm.	Both parties
24 November 2017	Cut-off date for service of a new claim form with additional Claimants.	Post Office
6 December 2017	Exchange E-Disclosure Questionnaires	Both parties
8 December 2017	Claimants who have not provided an approximate value to points 8.1, 8.3, 8.4 and/or 8.5 in their SOI to provide amended form of SOI by 4pm.	Claimants



Date	Court Orders  Major Court Orders are in red	Which party?
8 December 2017	Deadline for entry of New Claimants on Group Register	Claimants
14 December 2017	Bankrupt or Deceased Claimants to serve on Defendant the evidence which they intend to rely to show they have standing to bring claim.	Claimants
15 December 2017	Service of completed Schedules of Information by New Claimants.	Claimants
20 December 2017	Deadline to notify the Managing Judge whether a date for a disclosure CMC is required and if so suggesting 5 dates in January and February 2018	Both parties
22 December 2017	Electronic copy of updated Group Register to be served on Defendant by 4pm.	Claimants
<b>19 January 2018</b>	<b>Individual disclosure to be given on 12 Lead Claimants by way of a list of documents.</b>	<b>Both parties</b>
25 January 2018	Disclose and make available 4 x Horizon architecture documents (Schedule 2).	Defendant
25 January 2018	Arrange for Claimant's IT expert to be given access to inspect KEL and Schedule 3 documents by 4pm .	Defendant
25 January 2018	Disclosure and inspection of all documents delivered to Defendant by Second Sight by 4pm.	Defendant
26 January 2018	Provide inspection of Individual Disclosure documents	Both parties
2 February 2018	Claimants claiming PI damages in SOI must take necessary steps to request their existing relevant personal medical records.	Claimants
<b>23 February 2018</b>	<b>Parties to agree 6 Lead Claimants from Potential Lead Claimants by 4pm</b>	<b>Both parties</b>
<b>28 February 2018</b>	<b>Court Hearing in relation to disclosure (to take place before 28 February 2018)</b>	<b>Both parties</b>
29 March 2018	Lead Claimants to file and serve Particulars of Claim	Claimants

Date	Court Orders  Major Court Orders are in red	Which party?
4 May 2018	File and serve individual Defences in respect of Lead Claimants.	Defendant
May 2018	Select Counsel for Trial 1	Post Office
1 June 2018	Lead Claimants to file and serve Replies to Defences.	Claimants
29 June 2018	File an agreed Statement of Facts in respect of Common Issues by 4pm.	Both parties
20 July 2018	Before this date, parties to seek to agree proposal for issues to be heard at Trial 2	Both parties
27 July 2018	Deadline to lodge proposed issues for Trial 2	Both parties
13 August 2018	File and serve Witness Statements in respect of each Lead Claimant and Common Issues.	Both parties
14 September 2018	Lodge Skeleton Arguments and draft Order(s) by 12pm [2 clear days before CMC]	Both parties
14 September 2018	Agree documents for Second CMC hearing bundle and lodge by 4.30pm. [2 clear days before CMC]	Both parties
19 September 2018	Second CMC to (i) review progress in Trial 1 and (ii) agree issues for Trial 2	Both parties
Sept – Nov	Further directions to be set at CMC above in relation to Trial 1.	Both parties
5 November 2018	Trial 1 (20 days)	Both parties
Sept – March	Further directions to be set at CMC above in relation to Trial 2.	
11 March 2019	Trial 2 (20 days)	Both parties

