

[DOCVARIABLE ClaimOrCase * MERGEFORMAT]: [IF DOCVARIABLE
ClaimNo * MERGEFORMAT = "Error! No document variable supplied." " "
DOCVARIABLE ClaimNo * MERGEFORMAT * MERGEFORMAT]

THE POST OFFICE GROUP LITIGATION

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

BEFORE THE HONOURABLE MR. JUSTICE FRASER

B E T W E E N:

ALAN BATES & OTHERS

Claimant

AND

POST OFFICE LIMITED

Defendant

~~[DEFENDANT'S CLAIMANT'S DRAFT]~~ FIFTH CMC
ORDER

UPON the making of an order following a Case Management Conference on 22
February 2018 (the "Third CMC Order"), as varied by further order dated 22
March 2018 (the "Fourth CMC Order")

AND UPON the parties reaching agreement as to the matters set out in paragraph
11 of the Third CMC Order

BY CONSENT, IT IS ORDERED THAT:

~~Vacation/Adjournment of 20 April 2018 CMC~~

1. —The CMC referred to in paragraph 12 of the Third CMC Order and
paragraph 1 of the order dated 19 April 2018 is vacated.

Style Definition: Normal
Style Definition: Heading 1: Font: Arial, Not All caps, Space Before: 24 pt
Style Definition: List Paragraph
Style Definition: Header: Space After: 12 pt, Line spacing: 1.5 lines, Tab stops: 7.96 cm, Centered + 15.92 cm, Right + Not at 8.2 cm + 16.4 cm
Style Definition: Footer: Font: 8 pt, Justified, Space After: 12 pt, Line spacing: 1.5 lines, Tab stops: 7.96 cm, Centered + 15.92 cm, Right + Not at 7 cm + 14 cm
Style Definition: TOC 1: Font: Arial, Not Bold, Indent: Left: 0 cm, First line: 0 cm, Space After: 12 pt, Tab stops: 16.5 cm, Left,Leader: ...
Style Definition: Balloon Text: Space After: 12 pt
Style Definition: TOC 2: All caps, Indent: Left: 0 cm, Space After: 12 pt, Tab stops: 16.5 cm, Left,Leader: ...
Style Definition: TOC 3: Font: Arial, Not Bold, Not All caps, Space After: 12 pt, Tab stops: 16.5 cm, Left,Leader: ...
Style Definition: HeaderClaimNo
Style Definition: Envelope Address
Style Definition: Level 1 Heading: No bullets or numbering, Tab stops: 0.63 cm, List tab
Style Definition
Style Definition
Style Definition
Style Definition: Definition
Style Definition: Body Text 1
Style Definition: Body Text 2
Style Definition: Body Text 3: Indent: Left: 2.8 cm
Style Definition: Body Text 4: Indent: Left: 3.6 cm
Style Definition: Body Text 5: Indent: Left: 4.4 cm
Style Definition: Body Text 6: Indent: Left: 5.2 cm
Style Definition: Schedule
Style Definition: Sub Schedule: All caps
Style Definition: Appendix
Style Definition: List Bullet
Style Definition: FooterCont
Style Definition: FooterAddress
Style Definition: TableNumber
Style Definition: NormalSingle
Style Definition
Style Definition: AlphaList 1
Style Definition: Bullet 1
Style Definition: Doc Exhibit
Style Definition: Intro Heading Other
Style Definition: Default
Formatted: Underline
Formatted: Space After: 0 pt, Line spacing: single

[DOCVARIABLE ClaimOrCase * MERGEFORMAT]: [IF DOCVARIABLE ClaimNo * MERGEFORMAT = "Error! No document variable supplied." " " DOCVARIABLE ClaimNo * MERGEFORMAT * MERGEFORMAT]

Variation adjourned generally with liberty to Stage 2 Disclosure

Formatted: No underline, English (United States)

3.1. The date restore in the circumstances and for the disclosure by the Defendant of Classes of Document 11 (Known Error Log) [and 16 (Technical Documents regarding Horizon)] in Schedule 2 to the Third CMC purposes provided for in this Order shall be brought forward from 18 May 2018 to 4 May 2018.

Formatted: No underline, English (United States)

Formatted: No underline, English (United States)

Formatted: No underline, English (United States)

Stage 3 Disclosure: Horizon Issues Trial – further disclosure

4.2. By 4pm on 1 June 2018, the Defendant shall disclose and make available for inspection the electronic documents set out in Schedule 1 to this Order for the purposes of the Horizon Issues Trial.

5.3. The above disclosure shall be provided following a reasonable and proportionate search for the said documents in Schedule 1. ~~Post Office~~ The Defendant shall, where necessary, use reasonable endeavours to obtain these documents from Fujitsu or ATOS where appropriate.

6.4. By 4 July 2018, the Claimants shall disclose the documents upon which they intend to rely at Horizon Issues trial.

Further Disclosure – Horizon Issues Trial

7.5. In the event that the parties are unable to reach agreement in response to any further request made in accordance with paragraph 8 of the Second CMC Order within 14 days of the making of that request, either party has liberty to restore the CMC on the first open date thereafter for the purpose of considering directions for further disclosure in relation to the Horizon Issues trial.

Inspection of Fujitsu systems

[DOCVARIABLE ClaimOrCase * MERGEFORMAT]: [IF DOCVARIABLE
ClaimNo * MERGEFORMAT = "Error! No document variable supplied." " "
DOCVARIABLE ClaimNo * MERGEFORMAT * MERGEFORMAT]

8.6. By ~~4 May~~15 June 2018, the Defendant shall use reasonable endeavours to arrange for the Claimants' IT expert, Jason Coyne, to be given 2 days access to inspect at the offices of Fujitsu in Bracknell the systems known as (i) Peak ~~and~~ (ii) TFS~~es~~. The Defendant shall use its reasonable endeavors to accommodate any reasonable requests for further days of access to inspect those systems.

Formatted: Font: Not Italic

a. _____

7. The parties shall seek to agree arrangements for such further access to Horizon and Fujitsu's systems as the parties' IT experts may reasonably require in order to prepare their reports and joint statements.

Information requests

9. ~~By 27 April 2018, each party shall provide the other party with any written requests for information pursuant to CPR 35.9.~~

10. ~~By 4 May 2018, each party shall confirm which of the other party's requests for information it accepts wholly, accepts in part or opposes.~~

8. ~~Either party~~Without prejudice to parties' IT experts' right to request directions at any time pursuant to CPR r.35.14 referred to in the paragraph 13 of the Third CMC Order, in the event that either party serves a written request for information in accordance with CPR r.35.9, the party upon whom the request is served shall, as soon as practicable and in any event within 21 days of service of the request, file and serve one or more documents recording the information requested that it accepts it is to provide. ~~So that this information is provided as soon practicable before the deadline, the information may be provided in stages.~~

Formatted: No underline

[DOCVARIABLE ClaimOrCase * MERGEFORMAT]: [IF DOCVARIABLE
ClaimNo * MERGEFORMAT = "Error! No document variable supplied." " "
DOCVARIABLE ClaimNo * MERGEFORMAT * MERGEFORMAT]

11.9. The parties shall have liberty to apply to restore the CMC to seek orders in relation to any requests not wholly accepted by the other party and / or to seek extensions of time in relation to the deadline provided for in paragraph ~~11 below~~^{10 above} in relation to any requests it accepts.

Formatted: No underline

Formatted: No underline

~~As soon as practicable and, in any event, by no later than 29 June 2018, each party shall file and serve one or more documents recording the information requested by the other party and accepted by it in accordance with CPR 35.9. Witness statements~~

10. In respect of the Horizon Issues, the parties shall file and serve witness statements of any witnesses of fact upon whose evidence they wish to rely, by 4pm on 20 July 2018.

~~12.1. So that this information is provided as soon practicable before the deadline, the information may be provided in stages.~~

Formatted: No underline

Variations to Third CMC Order - IT Experts

13.11. Paragraphs 15 and 16 of the Third CMC Order shall be varied, as follows: -

- a. The date in paragraph 15 of the Third CMC Order (service by the Claimants of a provisional / outline document in relation to Horizon Issues), shall be varied to 4pm on 4 July 2018; and
- b. The date in paragraph 16 of the Third CMC Order (parties' IT experts to produce first joint statement) shall be varied to 4pm on 17 August 2018

14.12. Defined terms in previous orders shall have the same meaning in this Order.

[DOCVARIABLE ClaimOrCase * MERGEFORMAT]: [IF DOCVARIABLE
ClaimNo * MERGEFORMAT = "Error! No document variable supplied." " "
DOCVARIABLE ClaimNo * MERGEFORMAT * MERGEFORMAT]

15.13. The parties shall have liberty to apply in respect of any provision in
this Order.

16.14. The costs of this Order shall be Common Costs in the case.

Dated this ~~April~~May 2018



Formatted: Right: 2 cm, Top: 2 cm, Bottom: 2 cm, Width: 21 cm, Height: 29.7 cm, Header distance from edge: 1.25 cm, Footer distance from edge: 1.25 cm

[DOCPROPERTY DocRef * MERGEFORMAT]

[PAGE * MERGEFORMAT]

Formatted: Font: 8 pt