

## Message

**From:** Amy Prime [GRO]  
**Sent:** 20/03/2019 21:32:40  
**To:** Jane MacLeod [GRO]  
**CC:** Mark Underwood [GRO]; Ben Foat [GRO]; Rodric Williams [GRO]; Andrew Parsons [GRO]; Tom Beezer [GRO]; Dave Panaech [GRO]  
**Subject:** Recusal application - draft documents [WBDUK-AC.FID26896945]  
**Attachments:** \_DOC\_154900148(2)\_Final - 14th Witness Statement of Parsons - Recusal.DOCX; \_DOC\_154895011(1)\_Final - Draft application notice.DOCX; \_DOC\_154894860(1)\_Final - Draft Order Recusal.DOCX

Jane

Please find attached the papers for the recusal application, on which we would welcome any comments. These are subject to a careful proofread by us in the morning.

- Application notice  
Standard form document explaining at high level the order sought.
- Draft Order  
Order which Post Office will be seeking from the Judge (recusal and Horizon Trial to be adjourned)
- Witness Statement  
The witness statement has evolved to become a simple, concise document which introduces (i) structure of the litigation; (ii) how the scope of the Common Issues Trial was set up; (iii) the dispute over admissibility of evidence; and then from these draws a conclusion that the judgment made findings / observations which fall to be decided at future trials and these findings give the impression that the judge has formed a view on these matters which will prevent him from taking an impartial view in future trials.

We have been discussing with Counsel whether a witness statement was required, but a short statement has been seen as a convenient method by which to provide the Court with the required information.

This also connects into the approach being taken with the skeleton. The skeleton will cover the law / procedural matters but also itemise in more detail than the witness statement the paragraphs of the judgment where the judge has offended the principles, with cross reference to how the judge set up these issues. A shorter witness statement therefore prevents too much cross over with the matters to be dealt with in the skeleton argument. Lord Grabiner would then also expand on these points in his oral submissions.

If there are any questions please let either Tom or me know.

Kind regards  
Amy

**Amy Prime**  
Solicitor  
Womble Bond Dickinson (UK) LLP

d: [GRO]  
m:  
t:  
e:

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