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14 May 2018

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Fourth Letter

By email only

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JXH/1684/2113618/1/MA

Dear Sirs

**Post Office Group Litigation
Expert Evidence**

We write further to our third letter dated 17 April 2018 and our letter dated 25 April 2018, both of which relate to paragraph 11 of the Third CMC Order. So far as is relevant for current purposes, paragraph 11 provides that the parties' solicitors and IT experts are to meet and attempt to agree the scope of any further information or documents required about the Horizon system and a process for inspecting the Horizon system (if needed).

Following our meeting on 11 April, on 20 April Mr Coyne provided an enquiries document on an open basis. As we explained in our letter dated 25 April, we had been expecting Mr Coyne's document to specify the *"information, documents and access that he will require in order to properly investigate the issues to enable him to form his expert opinion"*. His document did not do this.

Mr Coyne and Dr Worden are in the process of discussing Mr Coyne's desired lines of enquiry on a without prejudice basis. We think it is constructive for the experts to do this. Our hope is that they will achieve sufficient consensus on particular lines of inquiry to enable the parties, through their solicitors, to agree specific requests for information and for disclosure as contemplated by para 11. As soon as they have completed their current discussions (or as their discussions progress if they are able to prioritise certain items), we look forward to receiving suitable requests from you which we can hopefully agree. In this regard we note the Managing Judge's comment at the CMC on 1 February that such requests have *"to be narrowly defined, properly considered requests [and] should be capable of being drafted"*.

In the meantime, we should be able to make some progress while the experts' discussions are ongoing. We should be grateful if you could respond to the following points raised in our 17 April 2018 letter:

- Do you agree to use CPR 35.9 rather than interviewing witnesses?
- Does Mr Coyne want to inspect the PEAK system?
- Have you made any progress in speaking to your clients in order to narrow any lines of enquiry?

We are becoming concerned that the deadlines proposed in our letter are moving backwards as our client cannot begin the process of collating information and documents/arranging inspections until the scope of those matters are properly defined. Inevitably, the amount of work that can be done will be limited by the time available between matters being agreed and the deadline for your clients' expert report.

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We await hearing from you.

Yours faithfully

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