

Message

From: Anthony de Garr Robinson [GRO]
Sent: 21/07/2016 10:28:08
To: Parsons, Andrew [/O=BOND PEARCE/OU=First Administrative Group/cn=Recipients/cn=ap6]
CC: Prime, Amy [/O=BOND PEARCE/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=Amy Prime439]; Gribben, Jonathan [/O=BOND PEARCE/OU=EXTERNAL (FYDIBOHF25SPDLT)/cn=Recipients/cn=JG5X]
Subject: RE: Remote Access [BD-4A.FID26859284]
Attachments: 048.Bates.sections for our letter of response.docx; 049.Bates.current draft letter of response with small amendments.docx

Dear Andy,

I've fiddled about with your proposed insertions, and here is the result. If you can look at this before we speak at 12, it would save some time.

To understand the context of the insertions, I had a quick look at the relevant parts of current draft letter of claim and have spotted some small changes that I think would make it better (although you are allowed to disagree). These changes are also enclosed – they are in sections 1, 2, 5, 5A and 6E. Please note that, essentially, I have only read the bits of the letter that I have changed – you have not asked for my views on the whole letter and I will not burden you with them unless really want me to.

Finally, I will send you a copy of the Supreme Court's decision in *Willers v Gubay* (or *Willers v Joyce*), confirming that malicious prosecution is available for civil proceedings. It is 67 pages long and you will need to review it to ensure that one of the necessary ingredients is still the one relied on in para 6.34 of the (amended) Letter of Response enclosed (can one maliciously use the legal process without reasonable basis in circumstances where one is genuinely using the process for the purpose of making the claim sought and not for any other collateral purpose)?

Best wishes,

Tony

http://login.westlaw.co.uk/maf/wluk/app/blob?blobguid=I591A8D604E6311E6847CED24A99D948D&file=UKT_2016_07_39355179.pdf&docguid=I591A8D604E6311E6847CED24A99D948D&isPDF=true

From: Parsons, Andrew [mailto:GRO]
Sent: 21 July 2016 09:24
To: Anthony de Garr Robinson [GRO]
Cc: Prime, Amy [GRO]; Gribben, Jonathan [GRO]
Subject: RE: Remote Access [BD-4A.FID26859284]

Ok. Speak later (that's if you can speak at all!). A

Andrew Parsons
Partner
Bond Dickinson LLP
Tel: GRO

From: [Anthony de Garr Robinson](#)
Sent: 21/07/2016 08:33
To: [Parsons, Andrew](#)

Cc: [Prime, Amy](#); [Gribben, Jonathan](#)

Subject: RE: Remote Access [BD-4A.FID26859284]

Thanks, Andy.

I am at the dentist at 9am (not just a check-up, sadly, they will be drilling a hole in my jawbone) but should be back by 10am. So it looks like we'll be speaking at 12.

Tony

-----Original Message-----

From: Parsons, Andrew [[mailto:](#) **GRO**]

Sent: 21 July 2016 07:58

To: Anthony de Garr Robinson <**GRO**>

Cc: Prime, Amy <**GRO**> Gribben, Jonathan **GRO**

Subject: RE: Remote Access [BD-4A.FID26859284]

Tony

Fair enough.

Please find attached a re-worked version of the language - now more directly and transparently explaining how Post Office can change branch accounts.

This re-draft draws a clearer distinction between:

1. The factual allegation that Post Office has been changing branch accounts and that this is the true reason for the shortfalls in branches.
2. The allegation that Post Office concealed its capabilities in this regard - which, at the moment, only goes to the limitation point.

The second is the more difficult point to address. First, it is not yet 100% clear that the Super User access does affect branch accounting, though this seems very likely. Second, the reason that Post Office made incorrect statements is that it relied on confirmations from FJ (see attached email as an example). At some point, we may well wish to disclose the attached email in order to show that Post Office did not "deliberately" mislead the Claimants. This will however need to be carefully managed with Fujitsu. From a tactical perspective, this may be better done once Freeths have more accurately stated their case on concealment.

I've got to drop my car in the garage first thing this morning (someone whacked it at the weekend...grrrr!) - would you be available for a call at 9:30? If not, would 12 noon work?

Kind regards
Andy

Andrew Parsons
Partner

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Mobile:

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-----Original Message-----

From: Anthony de Garr Robinson [[mailto:](#) **GRO**]

Sent: 20 July 2016 20:55

To: Parsons, Andrew

Cc: Prime, Amy; Gribben, Jonathan

Subject: Re: Remote Access [BD-4A.FID26859284]

Dear Andy,

I've had a quick look at the drafting and I don't think it will wash. First of all, we appear to have ignored the second route by which I understand it is possible for data to be altered remotely - the one that involves PO and has happened only once since 2010.

Second, we boldly say that they haven't given proper particulars of our concealment of the remote data alteration facility, but for years virtually every document we submitted positively said that data could not be altered remotely. We need to say something that at least provides a basis for explaining how we came to do this, even if we can't bring ourselves actually to acknowledge that we have made false statements in the past and to explain why.

We must assume that this letter is going to be pored over for many hours at trial, at which time the court will know everything. Attempting to brush this under the carpet to avoid short term embarrassment would do profound damage to our long term credibility. In my view it would be the worst possible thing to do. It really is the case that in many cases cover ups give a much worse impression and are much more serious than the things sought to be covered up (in this case, our previous inconsistent statements).

It may well be that I have got the wrong end of the stick, but this drafting makes me very nervous indeed.

Talk tomorrow?

Tony

Sent from my iPhone

On 20 Jul 2016, at 20:06, Parsons, Andrew wrote:

GRO

Tony

Please find attached the latest version of the letter - this hasn't materially changed since your amendments. I've highlighted in Blue in the attached letter where these two sections on remote access will be fit in - see pages 22 and 45.

Kind regards

Andy

Andrew Parsons

Partner

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GRO

Mobile:

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-----Original Message-----

From: Anthony de Garr Robinson [<mailto:> **GRO**]
Sent: 20 July 2016 19:47
To: Parsons, Andrew
Cc: Prime, Amy; Gribben, Jonathan
Subject: Re: Remote Access [BD-4A.FID26859284]

Ok. I see it's only a small section anyway. Could you send me the longer version you've taken it from? I don't want to read and review it, I just want to get the context clear in my head

Sent from my iPhone

On 20 Jul 2016, at 19:42, Parsons, Andrew

GRO wrote:

Push on - I'll sort out the fees.

Post Office loved our letter so we're in credit!

A

Andrew Parsons

Partner

<image001.jpg><<http://www.bonddickinson.com>>

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From: Anthony de Garr Robinson [<mailto:> **GRO**]

Sent: 20 July 2016 19:16

To: Parsons, Andrew

Cc: Prime, Amy; Gribben, Jonathan

Subject: RE: Remote Access [BD-4A.FID26859284]

Dear Andy,

I'm more or less at my budget limit. What do I do?

Best wishes,

Tony

From: Parsons, Andrew [<mailto:> **GRO**]

Sent: 20 July 2016 19:05

To: Anthony de Garr Robinson

GRO >

Cc: Prime, Amy

GRO > Gribben, Jonathan

GRO

GRO

Subject: Remote Access [BD-4A.FID26859284]

Tony

Would you mind reviewing the attached wording on the remote access issues?

Having reviewed the Letter of Claim, the remote access point is only specifically raised in relation to limitation / s.32 concealment. It is not cited as a ground for (i) deceit or (ii) unwinding the settlement agreements - although it could in due course be used for these purposes.

We have expressly referred to balancing transactions and Super User access in the attached, without drawing specific attention to them. Is this transparent enough or should we go further?

Kind regards

Andy

Andrew Parsons

Partner

<image001.jpg><<http://www.bondickinson.com/>>

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[andrew.parsons](#)

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