

## Message

**From:** Rodric Williams [GRO]  
**Sent:** 07/09/2018 13:12:49  
**To:** Simon Clarke [GRO]; 'martin.smith' [GRO]  
 [GRO]; [GRO]  
**CC:** Andrew Parsons [GRO]  
**Subject:** Post Office Group Litigation - Horizon Issues Trial - Monday Con with Counsel - Strictly Private & Confidential  
**Attachments:** 5. Order (Horizon issues).pdf; Horizon Issues document dated 17 August 2018.pdf; \_DOC\_151742197(1)\_Horizon - areas to cover FJ.DOCX; GARETH JENKINS ADVICE 15-7-2013.pdf

Martin, Simon – in advance of the con with counsel on Monday, please see the email below and attachments which has been put together by Andy Parsons from Womble Bond Dickinson, who will also be attending the con.

I look forward to seeing you then.

Rodric

The Group Litigation involves 561 Claimants who broadly all allege that:

- Their contract terms are unfair and need to be re-interpreted in favour of Subpostmasters.
- Horizon is defective and the true cause of losses in branches and / or Post Office or Fujitsu maliciously edited their branch records to create the losses without telling Subpostmasters.
- The training and support provided by Post Office was inadequate (which in turn led them to make mistakes and cause losses).
- As a result of some or all of the above, their contracts were improperly terminated by Post Office and / or they were forced to resign.

There is a 4 week trial listed for March 2019 that will exclusively address the allegations about Horizon. This is the second in a series of trials – the first one in Nov 17 will deal with contractual issues and the third one – yet to be listed – will deal with issues of breach and liability.

The judge has ordered that the March trial will be expert evidence led with minimal factual evidence. He is looking to deal with Horizon in the abstract. There will be no lead or test cases and he will not be looking to apply his findings to any particular Subpostmaster. In essence, he is seeking to establish whether Horizon is a robust and user-friendly system. He will then take those findings into the third trial, where we expect there to be 10-20 test cases and where he will seek to determine the root cause of, and liability for, losses in branches.

The key directions for the March Trial are as follows:

- Both side's primary witness statements – 28 September
- Claimants' expert report – 16 October
- POL's responsive evidence - 30 October
- POL's expert report 30 November
- Claimants' responsive evidence – 28 December
- Supplemental expert reports – both parties – 28 Jan 2019

In terms of evidence from FJ, we believe we will need:

1. Evidence on the general operation of Horizon
2. Evidence on allegation that Post Office remotely edits branch data
3. Evidence on specific bugs that the Claimants have identified.

Having spoken to FJ, there are parts of points 2 and 3 that only Gareth Jenkins can realistically provide (for example, there are certain historic bugs that Gareth dealt with).

To be clear, Gareth would be called as a witness of fact. He will be providing descriptive evidence of systems and processes, and perhaps his investigations of certain bugs. He is not being asked to give an opinion. The opinion will be

given by our expert witness, Dr Robert Worden, based on the factual foundations set by the witness evidence of FJ and the documents disclosed about Horizon.

The con on Monday will be with Tony Robinson and Simon Henderson of Counsel. The purpose of the con is to discuss the risks of using Gareth Jenkins as a witness given his previous role as a prosecution witness.

Please find attached the following documents:

1. Court Order setting out the Horizon Issues to be addressed in March 2019.
2. The Claimants' Outline Allegations about Horizon.
3. Simon Clarke's advice note from 2013.

Kind regards  
Andy

**Andrew Parsons**  
Partner  
Womble Bond Dickinson (UK) LLP

**GRO**

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