

**From:** David Cavender <[REDACTED] GRO>  
**To:** Andrew Parsons <[REDACTED] GRO>, Gideon Cohen <[REDACTED] GRO>  
**Cc:** Dave Panaech <[REDACTED] GRO>, Amy Prime <[REDACTED] GRO>  
Victoria Brooks <[REDACTED] GRO>, Sushma MacGeoch <[REDACTED] GRO>  
[REDACTED] GRO, Rachel Scott <[REDACTED] GRO>, "Paula Bartlett" <[REDACTED] GRO>

**Subject:** RE: Summary of the Common Issues judgment [WBDUK-AC.FID123822914]

**Date:** Sat, 9 Mar 2019 19:55:46 +0000

**Importance:** Normal

**Inline-Images:** image72fc94.PNG; image570ee3.PNG; image9116c0.PNG

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Dear Andy,

Many thanks for this. I certainly have no hesitation in agreeing with your clause 1.6.

Indeed I am beginning to form the view that seeking the Judge's recusal is something that we need to actively consider. I am drafting a Note too ( as requested) dealing with the appeal on a high level. As part of that I have been collating some of the Judges comments and findings and the gross procedural irregularity here. If we are right about all of those points - then how could a reasonable independent observer think that such a Judge could fairly adjudicate in the future on a dispute between the parties i.e. trial 3 and beyond ? I recognise its extreme - and being so directly involved makes it difficult to be objective - but what we have been served up with is frankly so shockingly bad that we must at least consider it. I deal with this point - in brief in my Note which you will get tomorrow.

We will look at this and get back to you with any observations.

Best,

D.

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From: Andrew Parsons <[REDACTED] GRO>  
Sent: 09 March 2019 19:11  
To: David Cavender; Gideon Cohen  
Cc: Dave Panaech; Amy Prime; Victoria Brooks; Sushma MacGeoch; Rachel Scott; Paula Bartlett  
Subject: Summary of the Common Issues judgment [WBDUK-AC.FID123822914]

David, Gideon

Would you mind reviewing the attached over the weekend?

This is a very early and initial summary of the key findings in the Judgment. PO have asked for something like this by close on Sunday so that they can start mitigation planning on Monday morning.

I would very much like to be able to say that you agree with me on point 1.6 but do say if you don't.

A

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

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**GRO**

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