

**From:** Anthony de Garr Robinson <[REDACTED] GRO>  
**To:** Andrew Parsons <[REDACTED] GRO>  
**Cc:** David Cavender <[REDACTED] GRO>, Tom Beezer <[REDACTED] GRO>  
Jonathan Gribben <[REDACTED] GRO>, Owain Draper  
<[REDACTED] GRO>, "Simon Henderson" <[REDACTED] GRO>  
<[REDACTED] GRO>, Gideon Cohen  
<[REDACTED] GRO>, Amy Prime <[REDACTED] GRO>  
**Subject:** Re: Appeal mechanics  
**Date:** Tue, 12 Mar 2019 07:28:32 +0000  
**Importance:** Normal  
**Inline-Images:** image2aa50b.PNG; image4891a8.PNG; imagec698ec.PNG

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Nothing in the emails you have exchanged causes me any difficulty. Let me know what to say about this to the judge and I'll be happy to say it.

Regarding the super silk David referred to, wiser heads than mind no doubt have a long list of possibles. But it occurs to me that the procedural unfairness/bias/recusal issues at least would be right up David Pannick's street. An early announcement that he has been retained would also scare the c\*\*\* out of the judge, I suspect, and may even affect his attitude at the HIT.

Tony

On 11 Mar 2019, at 20:14, Andrew Parsons <[REDACTED] GRO>  
[REDACTED] GRO wrote:

David

The judge seems quite ready to grant the extension of time so suggest that we stick with my plan below but you ask for 6 weeks which neatly ties into the end of closing subs (likely to be 2 May).

A

Andrew Parsons  
Partner  
Womble Bond Dickinson (UK) LLP

d:

m:

t:

e: [REDACTED] GRO

[REDACTED] GRO

[REDACTED] GRO

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From: David Cavender [mailto:**GRO**]  
Sent: 11 March 2019 20:10  
To: Andrew Parsons  
Cc: Anthony de Garr Robinson; Tom Beezer; Jonathan Gribben; Owain Draper; Simon Henderson  
**GRO**); Gideon Cohen; Amy Prime  
Subject: Re: Appeal mechanics

Andy,  
Many thanks for this. We need more time for two distinct things.

First - time to file notice of appeal. I would suggest 6 weeks from handdown. This must be granted at handdown or on the adjournment of the handdown. We need to be careful about that.

Second - time to prepare draft grounds of appeal to seek permission from the Judge. It looks as though the Judge wants to do this as part of the consequentials - but you think no longer after the Horizon trial ? If this is right then the time for lodging the notice of appeal should be a couple of weeks after that - in case we want to tweak it after the permission hearing ? At the moment you run the two together.

Recusal ? This goes on in parallel - possibly before either of these things - IF it got the green light from the Super Silk ?

Best

D.

and (in advance of that)

Sent from my iPhone

On 11 Mar 2019, at 19:35, Andrew Parsons <**GRO**> wrote:  
**GRO**

David, Tony

I'm bringing everyone together on one email thread to talk about appeal mechanics.

Background (to catch everyone up)

- PO will want to appeal. The exact scope of the appeal is to be determined. PO will likely want a second opinion on appealing (don't worry about this – it is their default action on things like this).
- We will need 3-4 weeks to get a second opinion and prepare the grounds of appeal
- Today, the Judge extended the HIT. He has given more time for XX of experts (which will now finish on Wed 10th April), which I think will inevitably move closings to after Easter.
- We originally hoped to do the appeal after the HIT had closed, given that we might be going for a recusal. That now can't happen because the Judge (I think) is unlikely to extend time to after Easter. So that leaves us extending time for an appeal until the close of evidence / just before Easter. Tony is comfortable with this (Tony – say if you disagree).

- If possible, Jane would like us to make a public statement that we are appealing at the same time as the Judgment is handed down (for comms reasons).
- I think the Judge does not intend for there to be a proper handing down hearing if he can help it.

So I think the plan should be....

- When the Judge raises timing of handing down and consequential hearings (likely Thursday of this week), Tony should say that if this could be on the Monday morning at 10:15 before trial starts, David will attend to talk about consequential issues.

David can then attend on Monday and say (loud and proud) that PO intends to appeal but needs a few weeks to prepare the grounds of appeal and ask for an extension of time until the end of evidence (either last thing on Wednesday 10th or first thing on Thursday 11th).

Thoughts?

A

Andrew Parsons  
Partner  
Womble Bond Dickinson (UK) LLP

d:

m:

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e:

GRO

GRO

GRO

GRO

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