WBON0000662

From: Andrew Parsons GRO
To: Tom Beezer GRO ; Amy Prime GRO
Subject: RE: Postmaster Litigation - CONFIDENTIAL AND SUBJECT TO LEGAL PRIVILEGE [WBDUK-AC.FID26896945]
Date: Thu, 14 Mar 2019 20:17:42 +0000
Importance: Normal
Attachments: UKGI_briefing_Note_14-3-2019_v1.docx
Inline-Images: image001.png; image002.png; image003.png; image1643e4.PNG; image0bbcf1.PNG; image9f3a84.PNG

T&A

My changes attached.

From a privilege perspective, it is easier to maintain privilege over an advice note to PO that is being shared with UKGI, rather than a note to UKGI. The problem with a note to UKGI is they are not the lawyer's (Jane's) client and so legal advice privilege does not apply. I think this would be a document prepared for the purpose of litigation, and therefore attract litigation privilege, but it's not 100% clear cut.

So I've added Jane's name to the note to make clear that this is a lawyer's advice note. I've also added an intro para to make the document provenance clear.

When it is sent to UKGI, it should be sent subject to the protocol and under an email that says something like….

The attached note and any associated communications contain privileged legal advice. They are being shared with UKGI subject to litigation privilege and without waiving any right to assert legal privilege over these communications against any other party.

And yes, privilege always trumps FOI.

A

Andrew Parsons
Partner
Womble Bond Dickinson (UK) LLP

d:
m:
t:
e: GRO

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From: Tom Beezer
Sent: 14 March 2019 20:04
To: Amy Prime; Andrew Parsons
Subject: RE: Postmaster Litigation - CONFIDENTIAL AND SUBJECT TO LEGAL PRIVILEGE [WBDUK-AC.FID26896945]

Primer

2 Qs…:

Would Lit Priv not apply ? it is for dominant purpose of Lit…i.e., in the management of with major shareholder ? If Lit priv does that trump FOI ? MUST do ????

And how soon do they need an OK ? Tonight ?

T

Tom Beezer
Partner
Womble Bond Dickinson (UK) LLP

d: GRO
m:
t:
e:

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From: Amy Prime
Sent: 14 March 2019 18:56
To: Tom Beezer; Andrew Parsons
Subject: FW: Postmaster Litigation - CONFIDENTIAL AND SUBJECT TO LEGAL PRIVILEGE

Andy, TB

Attached is POL's proposed briefing to UKGI (shareholder) on the litigation.

TB - Dave is happy with this but given the importance please could give it a once over?

Andy – Ben B has raised a privilege query *"I know there's a framework around information sharing with UKGI –my immediate thought concerns the status of this document when it goes across in terms of privilege and restrictions from subsequent disclosure by them under FOI?"*

Would the framework protect the privilege over this document (some kind of common/joint privilege)? Or does the document become obtainable under a FOI?

Thank you both

Amy

Amy Prime
Solicitor
Womble Bond Dickinson (UK) LLP

d:
m:
t:
e: GRO

WBON0000662

From: Jane MacLeod [mailto: GRO
Sent: 14 March 2019 11:19
To: Patrick Bourke; Mark Underwood1; Amy Prime
Cc: Ben Foat; Ben Beabey; Zoe Brauer
Subject: Postmaster Litigation - CONFIDENTIAL AND SUBJECT TO LEGAL PRIVILEGE

Patrick, Mark, Amy

Please see attached first draft of the 'more detailed' briefing to go to UKGI (legal and shareholder teams) tomorrow and on the detail of the judgement. I have plagiarised (sorry Amy) large sections of the advice from last weekend from WBD.

Please let me know if there is anything else we should say, or say differently?

Ben(s), Zoe – for information only, although I thought it might help with some context …

Thanks,

Jane