

**CONFIDENTIAL AND LEGALLY PRIVILEGED  
POST OFFICE GROUP LITIGATION**

*Bond Dickinson*

**Steering Group Meeting: 4 October 2017**

***BRIEFING PAPER: Update on case management strategy***

**1. SUMMARY**

- 1.1 There have been a number of developments since the Steering Group meeting on 11 September 2017 at which the general direction of the case management strategy was approved (subject to sign off from Paula Vennells and Alisdair Cameron). This paper provides an update on these matters, in particular:
  - 1.1.1 the Generic Reply to Post Office's Defence which was received on 29 September 2017;
  - 1.1.2 the impact which this has had on the case management strategy; and
  - 1.1.3 next steps.

**2. DIRECTIONS**

- 2.1 By way of recap, the broad thrust of the directions proposed is to:
  - 2.1.1 Strike out those claims that are procedurally unsustainable and seek further information in relation to time-barred and settled cases.
  - 2.1.2 Order a preliminary issues trial on contractual and quantum issues. This would involve the parties agreeing a list of issues for preliminary determination; selecting a number of Claimants to act as Lead Cases; both sides providing limited disclosure and individual pleadings for the Lead Cases.
  - 2.1.3 Seek orders requiring the Claimants to better value their claims.

**3. GENERIC REPLY**

- 3.1 The Generic Reply was due to be provided by 20 September 2017. Freeths were unable to meet this deadline and applied to the Court for an extension of time to 29 September 2017. This was allowed and has placed pressure on the parties to seek to agree directions prior to the CMC on 19 October 2017.
- 3.2 The Generic Reply was an opportunity for the Claimants to respond to Post Offices' Generic Defence. In summary, the Generic Reply:
  - 3.2.1 Raised barely any new factual points.
  - 3.2.2 Responded to Post Office's Generic Defence in a thematic way rather than paragraph by paragraph. This is an odd approach which suggests weakness in the Claimants' case since it will be unclear to the Court whether the Claimants have addressed all points raised by Post Office in its Defence and allows Freeths to cloak any areas which they would prefer not to respond to.
  - 3.2.3 For the first time, the Claimants' provided their analysis of whether postmasters are agents or not.
- 3.3 Prior to the receipt of the Reply, the exact scope of the directions could not be set since some of the directions were, to an extent, dependant on matters to be addressed in the Reply. However, the Reply does not provide further clarification on areas such as limitation, concealment and settlement agreements which would have had an impact on the case management strategy.

- 3.4 As such, there has been no change to the strategy which was previously presented to the Steering Group. We have also not received any further substantive correspondence from Freeths on this matter.
- 3.5 In addition, Tony Robinson met with Paula Vennells and Alisdair Cameron on 29 September 2017 to discuss the proposed strategy; support for this was provided.

#### **4. NEXT STEPS**

- 4.1 The revised timetable until the CMC is set out at Schedule 1.
- 4.2 Post Office's proposed directions will be sent to Freeths shortly. The situation between now and the CMC remains in flux since it is difficult to predict Freeths' response. We would expect during this week Freeths to respond to Post Office's proposed directions and there to be some negotiations.
- 4.3 Bond Dickinson will continue to follow the strategy as approved by the Steering Group, advance these matters with Freeths and with Rodric Williams having day-to-day authority to manage the detail of these dealings.
- 4.4 Should events depart materially from the case management strategy, then the matter will be brought back to the Steering Group for further consideration.

**SCHEDULE 1: TIMETABLE**

Deadlines set by the Court and which are immovable are in red

Date	Action
Thursday 4 October	Steering Group meeting to update on current position.
Thursday 4 October	Finalise Post Office's proposed directions and letter to Freeths which explain the directions.  These are to be sent to Freeths for comment following the Steering Group meeting.
Thursday 4 October and Friday 5 October	Finalise Skeleton Argument and Witness Statement for use at the CMC.
Thursday 5 October	Costs statements to be exchanged.
Friday 6 October 2017	Proposed deadline for Freeths to respond to Post Office's draft directions.
Monday 9 October	Deadline for Case Summary, draft Directions and Skeleton Arguments and Witness Statement to be filed with the Court.
w/c 9 October	Possible further correspondence with Freeths on Directions.
Wednesday 11 October	CMC bundle to be filed with the Court.
Monday 16 October	Steering Group meeting to approve final CMC strategy.
Mon 16 October – Wed 18 October	Counsel under brief preparing for CMC.
Thursday 19 October	CMC (1 day).