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**To:** David Cavender <[REDACTED]>, "Owain Draper" <[REDACTED]>  
<[REDACTED]>, Gideon Cohen <[REDACTED]>  
**Cc:** Amy Prime <[REDACTED]>, Tom Beezer <[REDACTED]>  
**Subject:** Appeal Scope [WBDUK-AC.FID26896945]  
**Date:** Tue, 16 Apr 2019 21:26:42 +0100  
**Importance:** Normal  
**Attachments:** \_DOC\_155376407(1)\_Common\_Issues\_Judgment\_-\_Appeal\_Scope.XLSX  
**Inline-Images:** imagef62cd9.PNG; image998224.PNG; image73aa6f.PNG

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David

For the board meeting next week, Post Office have asked me / us to:

1. *Develop a paper that shows:*
  - a) *The 'common issues'*
  - b) *The judge's decision on these from the CI judgment*
  - c) *Whether we accept these outcomes (yes/no and why – which may be because we already have contractual provisions that we believe sufficiently address the issues (and if so it would be helpful where possible to include the relevant drafting), or because the subject matter would properly be addressed by the 'reasonable cooperation' implied term)*
  - d) *What can we therefore concede – should be the same as those where we accept the outcome in c)?*
  - e) *What will we therefore be appealing and what is the outcome we seek to achieve (this overlaps to some extent with c))*

This is quite a big task, because it requires a forensic exercise in going through the Judgment. Fortunately, our friends at Norton Rose have produced a very helpful spreadsheet of all the issues which I have flagrantly plagiarised!

Columns A - G are NR's work so we should leave this as written. I've added columns H and I about the appeal. You'll see that my explanation is not very legalistic but quite client friendly and commercial. The purpose of this document is really to get the board comfortable that we are only appealing (i) important points and (ii) points that have real commercial impact for PO.

Would you mind reviewing?

If possible, please could you quickly review and comment on issues 62 and 63, which are the main recoverability of loss issues. If we can get these two agreed, then I can send an early draft of this to PO with a caveat that it is subject to your further comments. Jane is on holiday on Thursday so I would like to get something to her tomorrow morning, even if it is half-completed draft.

Owain – the attached might be a useful checklist for the skele and grounds.

A

**Andrew Parsons**

Partner

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d: **GRO**  
m: **GRO**  
t: **GRO**  
e: **GRO**

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