

14-3-2019

JANE & DCQC call.

CC Gideon

Root & branch appeal
against findings
of law

- Next week
during horizon trial

Say there is duty good faith

- Tues/Wed
Has to be 1st Pt
next wk

But only in so far as ... clauses x 12
So a very narrow application of that duty

Advice
- warm up advocate
Gideon junior

"save as aforesaid there is no duty
of good faith it is excluded ...

Have to be words of exclusion

- recusal Applic.
- had LN note

- legal risk perspective

Stages:

1. what does POL want to do?

- Would need to
tell Freeths
as costs implications
on adjourned H trial

→ have to put Judge on
notice too
HOW MUCH NOTICE
A DAY ?

2. if we want to go ahead who/how
- Judgment 12 Friday
 - Open to public. J'ment on-line

possibility
put them on
notice

3. POL not able to make a decision by 12
tomorrow

ARG

4. proper applic' → Skelly /
- hear it himself
- If we were to this what is process.

behind

Rob
contact

→ Grabiner 2 days Tuesday
not Friday / Monday
proper Applic + Skelly
attach
notify CT' in advance

- unfairness
back to ...
Trial 3 facts
risk

1. bullet
points
procedure
2. neuberger
call next
week
Tell clerks

Team has to be prepared to go to CofA

Step by step → - documents
- need

- Board call 2) would need to take to government
- Real possibly Board to spk Neuburger →
Possible outcomes →

Outcomes

- Appeal – "no" → cross judge
recusal appeal → following by CIT appeal inc procedural unfairness