

2-4-2019

POL

- Rob / Jane/ Mark
- 2.45 → 3.10pm

OEC

- Lord Grabiner
- Andrew P
- Gideon
- DCQC

WBD

- TB
- Amy

AGQC:

Nothing changes

- Judge came to concluded view only in relation to matters B4 him. Nonsense. Matters not B4 him. Conc' views re matters before him were only contract issues. They say the matters on which were conc' view were in fact B4 him. nonsense. He was warned many times. oral + written. O/S made some play we x examined on topics – we did that because we not want to leave uncontradicted BUT not follow that those matters became part of the common issues.

They drive wedge between Judge + C's as they do say concluded view. Judge could have said can change Mind BUT o/s say concluded.

AGQC:

We go first tomorrow. May not get Judgment tomorrow  
Validity of position turns exclusively on the Judgement  
and examine what the common issues were. May view (QC)  
is judge comes on very strong and comes to offensive  
concluded views about POL and witnesses. My view say  
should recuse. I don't know him.

Team have say he will reject and will reject  
leave. We will need to ask the CofA for leave.

ACQC: Rest of CIT judgment is low grade – need to get to  
CofA anyway. We need offensive passages in Judgment.  
Won't need re-trial common issues. CofA can put it  
right. The rest of judgment innocuous. Would leave  
matters should have been deciding.

AGQC: That is my view big picture

Rod: if refused and timing?

AGQC: Answer to Q depends on Judges reaction. If he  
refuses and he seeks continue HIT then urgent to  
stay HIT. Could combine recusal + CIT general  
appeal. Would give CofA better total view

Jane: any surprises?

ACQC: No

They have not majored on arg' the Judge capable keep open  
mind. They have majored on point that judge decided  
on matters before him. So they take view that Judge  
has come to firm conclusions. And this could take  
them into conflict with the judges position.

Rod → PlanB

AGQC → The judgment is our case. The o/s  
made the contrary.