

Confidential and legally privileged

*Bond Dickinson*

**Letter of Claim: Work Plan**

Section	Comment	Action
General	The letter is long and raises lots of issues – many of which are not covered in the schedule of questions at the end of the LOC	BD to prepare para by para analysis of information needed / response required to form basis of letter of response.
A: Background section setting out history of Horizon investigations	On one level this section is irrelevant as it does not go to the substance of any claim. However it should be addressed as it is a twisted version of history that (i) taints any other response by POL and (ii) sets a canvass against which Post Office is then accused of fraud and / or ignorance of issues with Horizon.	BD to set out corrected version of history. We largely have this knowledge already so little further investigation will be required.
B: Legal relationship between POL and SPMRs.	This section looks to imply new duties on POL. The aim is to reverse the burden on SPMRs to investigate their own losses (presumably because Freeths know that the SPMRs cannot show any problem with Horizon on their own).	Recommend that POL instructs Counsel to advise on analysis of legal duties.
C: Description of problems with Horizon and POL operating practices.	The problems raised are almost exclusively a recitation of the Second Sight Part Two Report.	BD to cross check LOC against POL Response to P2 Report to ensure that all points are covered.  Any new points to be identified and investigated with the help of Kath and Shirley.
D: Relationship between POL and Fujitsu	Freeths make a small number of statements about how the POL / FJ relationship works.  Further recitation of points raised in SS P2 Report specifically in relation to FJ and Helplines.	BD to review FJ contract to address questions; if further info is needed, questions to be addressed to POL IT team.  Remaining answers should be covered by POL Response to P2 Report.
E: Post Office concealed problems with Horizon	This section appears to be an attempt to pre-empt POL's limitation defence by saying that POL concealed the cause of action which is one of the grounds on which limitation can be extended.	No further factual information required.  Tactical decision to be taken on how to respond.

		Counsel may be able to provide insight on how to address limitation issues.
F: List of specific causes of action alleged against POL	Although this section raises several causes of action, it provides little particulars to support each claim. An initial review indicates that Freeths have provided insufficient information to justify many of the heads of claim.	The lack of factual particulars means little investigation will be required.  BD to review each claim and identify missing particulars / legal flaws in claims.
G: Loss and damage suffered by SPMRs	Broad heads of claims set out but no details or figures included	BD to highlight all known legal and causation issues with losses raised.
H: Invitation to mediation		BD to research cases where mediation has been reasonably refused.  Tactical decision to be taken on how to respond to invitation.
I: Disclosure requests	Initial review is that the disclosure requests are disproportionately wide. Complying with the request would be disproportionately expensive. Arguably, until the Claim Form is served, proceedings have not begun and therefore the Pre-Action Disclosure regime applies (ie. Freeths have to pay for disclosure)	BD to discuss tactical approach with POL at an early stage.  If disclosure is to be given, BD to advise on structure of disclosure exercise.
J: Request for assurance that POL will not victimise SPMRs	Same request as before	No factual information needed.  BD and POL to discuss tactical approach to responding.
K: Official Secrets Act	It is unclear why Freeths are so nervous about the OSA section in the SPMR contract	POL to identify a key person at POL who understands the OSA background and person to meet with BD.  BD to research OSA requirements.
L: Request for POL consent to GLO	Initial view is that POL should oppose formation of GLO due to lack of commonality of issues.	Tactical response to be considered but immediate view is that POL should ask Freeths to identify common issues.
M: Procedure for	The idea of holding preliminary issues is sound.	BD to advise on tactics of which preliminary issues may

litigation		be useful.  Counsel may also usefully input into this topic.
N: Timing of response		Holding response to be sent stating that POL will require more time to respond.