
From: Mark Underwood [GRO]
[GRO]
Sent: Wed 13/04/2016 5:52:25 AM (UTC)
To: Tom Wechsler [GRO]; Melanie Corfield [GRO]; Rodric Williams [GRO]; Jane MacLeod [GRO]; Mark R Davies [GRO]; Patrick Bourke [GRO]; Jane Hill [GRO]
Subject: RE: Group Action against Post Office Limited

Thanks Mel,

I doubt the class action will have anything to do with allegations about the computer system. Do we want to prepare lines now, for what we think will be – contract, support, abuse of power etc – so that we are prepared when any letter of claim does materialise?

Mark

From: Tom Wechsler
Sent: 12 April 2016 23:09
To: Melanie Corfield; Rodric Williams; Jane MacLeod; Mark R Davies; Mark Underwood [GRO]; Patrick Bourke; Jane Hill
Subject: RE: Group Action against Post Office Limited

I agree. Less is more at the moment.

T

Sent from my Windows Phone

From: [Melanie Corfield](#)
Sent: 12/04/2016 23:04
To: [Rodric Williams](#); [Jane MacLeod](#); [Mark R Davies](#); [Mark Underwood](#) [GRO]; [Patrick Bourke](#); [Tom Wechsler](#); [Jane Hill](#)
Subject: RE: Group Action against Post Office Limited

Hi again

Adapting from the lines we have been holding reactively on the recent Freeths letter to subpostmasters I suggest our holding line is simply: **“The solicitors have not set out the basis of any claim.”**
I think I am of the view we should not add anything else at all, simply field other questions, on Horizon or indeed anything else on this, with “We have previously made our position perfectly clear.”

We do have the line (from recent briefing): “A very small group of former postmasters have continued to make allegations about Horizon but, after rigorous investigations over more than three years, there has been no evidence put forward to support these.”

But my view is that a one-liner on the lack of basis of claim is sufficient, suitably dismissive and completely reasonable in the circumstances? The JFSA website is clearly doing yet another trawl of potential claimants and we need to reflect the ‘ambulance chasing’ nature of this in way we respond?

Mel

From: Rodric Williams

Sent: 12 April 2016 19:11

To: Jane MacLeod; Mark R Davies; Mark Underwood; Patrick Bourke; Melanie Corfield; Tom Wechsler

Subject: RE: Group Action against Post Office Limited

All – thanks for your time earlier this evening. As promised, I set out below my bullet point thoughts in case it helps you identify issues that need to be considered.

As ever, please let me know if you want anything further.

Rod

1. Claim Form

- a. £10k fee (assuming over £200k damages)
- b. Filing will have been triggered by a limitation issue
- c. Don't know which court (QBE, Chancery, Admin; Commercial, Mercantile, TCC) – procedural implications
- d. 4 months to serve i.e. by 10 August 2016
- e. Service starts time running (14, 28, 56, ?? days)
- f. Service starts costs running
- g. Must include:
 - i. Concise statement of nature of claim (breach of contract?)
 - ii. Remedy (damages)
 - iii. Claim for money inc. interest (should be "in excess of £200k")
- h. Shouldn't have been issued without knowledge of the claim sufficient to send a Letter of Claim (signed statement of truth)

2. What I think it means:

- a. They're not that confident in their case, and don't want to go on costs risk by serving Claim Form just yet
- b. They know they have limitation issues
- c. They want to get us to a table as quickly as possible

3. Mediation

- a. Unreasonable refusal to mediate may sound in costs
- b. Easy to find reasonable grounds to refuse, but keep the door open to mediate when the claim is ripe
- c. Freeths will want mediation asap because they'll expect us to get the cheque book out
- d. Careful that they don't question our bona fides to mediation (again) if we don't immediately pay up
- e. We are defensible on mediation given steps taken to date (b.i.m. some refused!), esp. if we keep open the possibility

4. Suggested approach

- a. Make them do the work
- b. Be clear, polite and defensible in doing so

5. Suggested response

- a. Acknowledge receipt – not too keen (c.o.p. Thursday)
- b. To come from POL (Jane, RW as addressee?)
- c. Nothing on Claim Form – up to them to decide what they do with their aspects of the case
- d. They should be able to give us:
 - i. Claimants' names
 - ii. Nature of the case (as per the Claim Form)
- e. This is necessary to preserve documents i.a.e.
- f. Without it, our position on preservation of documents remains as per our last letter
- g. Can't commit to mediation (or anything) until we know:
 - i. what your case is;
 - ii. who it's for; and
 - iii. mediation could reasonably be expected to help resolve the parties' differences.

6. Other affected parties:

- a. BIS (inc BNR)
- b. CCRC
- c. Deloitte work – stop? JSQC to advise?
- d. Fujitsu – inc w.r.t. HorizonAnywhere – and impact on privilege
- e. Internal comms and Privilege
- f. Document preservation – ISAG?
- g. Internal comms and reporting lines (for privilege)
- h. External Comms, incl. on:
 - i. Mediation
 - ii. Doc preservation
 - iii. Limitation periods
 - iv. Claimant's ability to fund litigation if their case was good (if they abandon it because of lack of funds)

7. Bigger Picture - we're keeping Horizon and essentially the same contract terms, so must be careful not to open door for future claims.

From: Rodric Williams

Sent: 12 April 2016 15:55

To: Jane MacLeod; Mark R Davies; Mark Underwood; Patrick Bourke; Melanie Corfield; Tom Wechsler

Subject: FW: Group Action against Post Office Limited

All – please see the attached letter from Freeths, confirming that they filed a claim against us in the High Court yesterday on behalf of 91 Claimants, including Alan Bates.

However, they have not served the claim, so the case has not yet begun, and as the letter itself notes, it is still not a "Letter of Claim", so we don't yet know what the actual claims will be. We have told to expect the letter of claim within the next 14 days.

I have my thoughts about what this all actually means and where it takes us, but thought I should circulate it as soon

as possible rather than wait on a longer email from me!

On that note, I understand we can meet to discuss this at 530pm in Jane's room. Mark U will be sending a diary invitation shortly.

Please let me know if you need anything in the meantime.

Kind regards, Rod

From: Imogen Randall [mailto:GRO]
Sent: 12 April 2016 14:17
To: Rodric Williams
Cc: James Hartley
Subject: Group Action against Post Office Limited

Dear Sirs

Please see attached.

Yours faithfully
Freeths LLP

Imogen Randall
Associate
Dispute Resolution

The logo for Freeths LLP, consisting of the word 'FREETHS' in a bold, uppercase, sans-serif font, enclosed within a thin rectangular border.

Freeths LLP, Floor 3, 100 Wellington Street, Leeds LS1 4LT

Freeths LLP is a limited liability partnership, registered in England and Wales, Partnership number OC304688. Registered Office, 80 Mount Street, Nottingham NG1 6HH. We are authorised and regulated by the Solicitors Regulation Authority. You can find a copy of the SRA Handbook, which includes the SRA Code of Conduct at www.sra.org.uk/handbook You can inspect a list of the names of the members of Freeths LLP at our registered office during normal business hours. This message is confidential and may contain legally privileged information. If you have received this in error, please delete this message and let us know by emailing Postmaster@freethsllp.co.uk GRO telephoning us on GRO Freeths LLP does not accept the service of legal proceedings by email unless by prior agreement.
