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28 November 2018

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Dear Sirs

**The Post Office Group Litigation
Horizon Issues Trial: Expert Reports**

We write further to your letter of 27 November 2018.

In relation to your request for Dr Worden to respond to Mr Coyne's email of 12 November 2018 concerning Dr Worden's intention to deal with the 220,000 Peak entries within his report, we confirm this was responded to yesterday afternoon. Dr Worden's reply was on a without prejudice basis as per the expert's agreement for interactions between them. We therefore look forward to receiving your response to our request for an extension by no later than 4pm today otherwise we will have to proceed with making an application.

Whilst writing, we wish to correct, for the record, your characterisation of how the Peaks were disclosed. Mr Coyne's email to Dr Worden makes reference to the "*proximity of the Defendant's disclosure of the PEAK's*" and your recent letter states that the Peaks were "*belatedly*" disclosed. As explained in the 4th Witness Statement of Andrew Parsons, the Peak database was not designed to be extracted en masse. Post Office therefore offered to facilitate direct access to the system at Fujitsu's offices and this was included at paragraph 6 of the Order dated 21 June 2018. Mr Coyne attended Fujitsu's offices to inspect the Peak system once on 15 June 2018 and, despite us having reminded you that he was able to inspect the Peak system again, Mr Coyne did not do so.

There has been no Order for disclosure of the Peaks and no request for such disclosure from the Claimants. Mr Coyne did ask for some subsets of Peaks in his Request for Further Information issued on 12 July 2018 and his email of 20 July 2018. As noted at the time (see our letter of 1 August 2018), these should have been formulated as disclosure requests rather than information requests and, in any event, the requests were too vague to be fulfilled as Post Office could not identify the specific Peaks that were of interest to Mr Coyne. We invited you (or Mr Coyne) to clarify these requests and you did not do so.

Post Office then voluntarily proposed to investigate whether it was possible to design a special piece of software to extract the Peak database. Fujitsu set about doing this and on 27 September 2018 the extracted Peaks were disclosed.

Whilst we accept that the Peaks were disclosed to Mr Coyne shortly before his report was due, it is clear from the above that any suggestion that the Peaks were disclosed late is not true and Mr Coyne could have accessed any Peaks that were of interest to him sooner if he had wanted.

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Yours faithfully

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