

From: Rodric Williams [GRO]
Sent: Fri 20/11/2015 11:09:48 AM (UTC)
To: Jane MacLeod [GRO]; Mark R Davies [GRO]
Cc: Patrick Bourke [GRO]; Melanie Corfield [GRO]; Mark Underwood [GRO]; Angela Van-Den-Bogerd [GRO]
Subject: RE: Group litigation

Thanks Jane. Just a couple of preliminary thoughts:

- In case it helps with Board management:
 - o The first step in the litigation process is for Freeths to send us a "Letter of Claim" which sets out the factual and legal basis of the claim and the remedies sought.
 - o Although we can anticipate the claimants' case at a high level, the legal and procedural challenges the claims present (especially the role of "Horizon" and the commonality between the claims to which you refer) mean that we will need to see a Letter of Claim before we can confidently answer a number of questions the Board is likely to ask.
 - o Even then, I think we'll need judicial assistance at a Case Management Conference to determine how those challenges will be addressed in any litigation. If we follow standard litigation timescales (and I can't currently see any grounds for expediting these claims), it will be several months before we get to a CMC.
- We should seriously consider suspending Tim Parker's review. Putting to one side the duplication of resource involved in assisting TP's review at the same time as responding to a formal claim, we should be very careful about generating through the TP review material which is disclosable in the civil action. I would also have thought that the civil litigation gives BNR a response to MP enquiries about what Post Office is doing about these cases (answer: dealing with them through the courts and CCRC, both of which are independent).
- I think I should give the CCRC a call and let them know that the JFSA has called for more cases to be sent their way. Do you agree?

Happy to discuss further as and when
Rod



From: Jane MacLeod
Sent: 19 November 2015 23:03
To: Mark R Davies
Cc: Patrick Bourke; Melanie Corfield; Rodric Williams; Mark Underwood [GRO]; Angela Van-Den-Bogerd
Subject: Re: Group litigation

Thanks everyone.

Let's re-group on the litigation theme. I'd like to understand what work we have done on litigation risk as the board

(noting that many of them are new) will want to understand the risks and any potential liability.

We also need to understand whether there is any risk of mediation participants joining an action and, on the assumption that those who have agreed to settle have signed full releases, what risk there is from that group.

My reasoning is that there must be an argument that there is no commonality of cause between criminal and civil claimants (to be tested) such that there are in fact 3 distinct cohorts - civil cases that haven't settled through mediation (potentially 40-50?), criminals cases, and those who did settle (tbc).

One question will be whether the criminal cases believe that, ahead of the CCRC decision, there are grounds to launch/join in a class action.

I would also like to understand what we say if (as defendant) the allegation is made that 'horizon made me do it'. Clearly the plaintiff(s) have the burden of proof, but how do we defend against it?

Let's pick up in the next few days.

Jane MacLeod
General Counsel
The Post Office

GRO

Sent from my iPad

On 19 Nov 2015, at 18:23, Mark R Davies <GRO> wrote:

Hi all

As expected see below.

Suggested line:

"As the Post Office has not been formally made aware of this we have no comment to make other than to restate our confidence in the Horizon system, which deals effectively and robustly with six million customer transactions a day."

Mark Davies
Communications and Corporate Affairs Director
Post Office Ltd
Mobile: GRO

From my iPhone and therefore possibly in transit so please forgive spelling mistakes or brevity!
Begin forwarded message:

From: "Flinders, Karl" <GRO>

Date: 19 November 2015 18:16:54 GMT

To: "Mark R Davies (<GRO>)"

Cc: "Melanie Corfield" <GRO>

Subject: Group litigation

Hi Mark

The JFSA subpostmasters campaign group is preparing a class action against the Post

Office. This will seek to redress the wrongs that it says subpostmasters have suffered at the hands of Horizon and Post Office management.

It will officially launch the action soon, but has just announced it.

Obviously I am writing a story, which will be live in the morning. I therefore offer you the opportunity to comment. I will put comments in when they arrive.

Thanks

karl