

## Message

**From:** Ben Foat [GRO]  
**on behalf of** Ben Foat [GRO]  
**Sent:** 11/05/2019 13:59:57  
**To:** Watts, Alan [GRO]; Massey, Kirsten [GRO]; Henderson, Tom [GRO]; andrew.parsons [GRO]; Tom Beezer [GRO]; [GRO]; Amy Prime [GRO]; Rodric Williams [GRO]; Mark Underwood1 [GRO]; Patrick Bourke [GRO]  
**CC:** Alisdair Cameron [GRO]; Diane Blanchard [GRO]; Veronica Branton [GRO]; Owen Woodley [GRO]; Debbie.K Smith [GRO]; Mohinder Kang [GRO]; Rob Houghton [GRO]; Mark R Davies [GRO]  
**Subject:** Group Litigation - recusal application - legally privileged and highly confidential  
**Attachments:** RecusalAppeal\_20190510.pdf

All

As you will know by now, we received the Court of Appeal's judgment in relation to Post Office's recusal application earlier today.

Post Office has not been successful in appealing against the trial judge's decision not to recuse himself. The judgment is critical of Post Office's application and permission to appeal the trial judge's recusal decision. At this stage there is little media activity but that may change over the weekend.

There are a number of steps that need to be worked through over this weekend:

1. A summary of the Court of Appeal's findings and our position (which can be adapted for various purposes) [HSF/WBD];
2. Further consideration of our approach to the substantive appeal given the number of statements which Lord Justice Coulson has made about the approach taken by Post Office in respect of the Common Issues trial. The Board subcommittee has approved the appeal approach last week but we need to advise the Board subcommittee whether this judgment should cause us to reconsider our approach or otherwise has any impact to the substantive appeal (not just the basis of the appeal ie the points of law; but the approach and tone) and provide (if any) recommendations to change; [HSF/WBD]
3. Implications to the current timetable including the existing Horizon trial which will resume on 4 June (ie this would continue) and also the hearing on Thursday 16 May (given the claimant's application for a delay); [HSF/WBD]
4. Costs consequences of this appeal; [WBD]
5. Comms statement (including internal comms position); [Patrick Bourke]
6. Updating the draft board paper which has already been prepared but will now need to be updated on the position, setting out the implications, and clarifying timetable and next steps (ie as above). [Mark Underwood/ Ben Foat to liaise with HSF/WBD]

Could the above points be progressed over the weekend. I will reach out to you individually over the weekend but may suggest a call at 8.30 on Monday to discuss actions. Meeting invite and dial in details will be circulated.

WBD – could you ensure that the Counsel team provide the necessary support here given 1 and 2 and the short timeframe to file the relevant documents for the substantive appeal.

Apologies for the urgency but given the materiality of the issue we need to support the business. Thank you for your support in advance.

If you want to discuss or have any questions, please contact me either on email here or my personal mobile is

GRO

Kind regards  
Ben



**Highly Commended for  
'Excellence In-house' at  
the Law Society Excellence  
Awards 2018**

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