

From: Tom Beezer <[GRO]>
To: Andrew Parsons [GRO]
Cc: Amy Prime [GRO]
Subject: RE: Appeal Review
Date: Tue, 12 Mar 2019 07:14:55 +0000
Importance: Normal
Inline-Images: image002.png; image003.png; image004.png; image005.png; imagea9c07b.PNG; image04fa44.PNG; image625da8.PNG

Left Jane a VM saying call when it suits you

Tom Beezer
Partner
Womble Bond Dickinson (UK) LLP



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From: Andrew Parsons
Sent: 12 March 2019 07:11
To: Tom Beezer
Cc: Amy Prime
Subject: FW: Appeal Review

Remember Neuberger only around for a couple of days.

Also, he wrote the law on interpretation of contracts – orthodox legal principles – so has skin in the game because this judgment crashes through his doctrine on contract interpretation. Will he be open minded?

David said instruct both but then went back to Grabiner due to timing issues: Neuberger away and we would need to instruct Grabiner anyway for the recusal application which should happen asap if approved / has merits.

A

Andrew Parsons

Partner
Womble Bond Dickinson (UK) LLP

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GRO

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From: Jane MacLeod [mailto:];

GRO

Sent: 12 March 2019 07:07
To: Tom Beezer; Mark Underwood1; Amy Prime; Rodric Williams
Cc: Rachel Scott; Dave Panaech; Andrew Parsons
Subject: Re: Appeal Review [WBUDK-AC.FID26896945]

Thanks Tom

My initial reaction was that we should appoint Lord Grabiner - I have briefed him in a previous life in a contested hearing against the FCA and won, and he is available should we need him to appear.

However this morning my thinking is more along the lines of whether Lord Neuberger might be better given his insight into the thinking of the Court of Appeal judges and their approach to current trends of contractual interpretation.

It would be helpful to discuss that with you - are you available before 10 this morning for a quick call?

Many thanks,

Jane

Jane MacLeod

Group Director Legal, Risk & Governance

Post Office

GRO

From: Tom Beezer **GRO**
Sent: Tuesday, March 12, 2019 7:02 am
To: Mark Underwood1; Amy Prime; Jane MacLeod; Rodric Williams
Cc: Rachel Scott; Dave Panaech; andrew.parsons
Subject: RE: Appeal Review [WBDUK-AC.FID26896945]

Mark

We will double check the specifics on that with the clerks at OEC but I am confident that they (the clerks) won't have 'oversold' him and tried to cram too much in to his diary.

Either Amy P or I will revert early this morning when the clerks are in.

Kind regards

Tom

Tom Beezer

Partner

Womble Bond Dickinson (UK) LLP

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GRO

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From: Mark Underwood1 [mailto: [REDACTED] GRO]
Sent: 12 March 2019 04:36
To: Amy Prime; Jane MacLeod; Rodric Williams
Cc: Rachel Scott; Tom Beezer; Dave Panaech; Andrew Parsons
Subject: RE: Appeal Review [WBDUK-AC.FID26896945]

Hi Amy,

Let me check with Jane in the morning, but I think we will almost certainly want to instruct Lord Grabiner QC. My concern however is how much time does he actually have to look at this, this week and next?

Mark



Mark Underwood
Portfolio Director: Legal, Risk & Governance
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Mobile number: [REDACTED] GRO

From: Amy Prime [mailto: [REDACTED] GRO]
Sent: 11 March 2019 19:37
To: Mark Underwood1 [[REDACTED] GRO]; Jane MacLeod [[REDACTED] GRO]; Rodric Williams [[REDACTED] GRO]
Cc: Rachel Scott [[REDACTED] GRO]; Tom Beezer [[REDACTED] GRO]; Dave Panaech [[REDACTED] GRO]; andrew.parsons [[REDACTED] GRO]
Subject: Appeal Review [WBDUK-AC.FID26896945]

Dear All

We have discussed with Counsel in more detail the appointment of a senior QC to review the judgment, grounds of appeal and provide advice on the merits of an appeal. There are two options:

- The Rt. Hon. Lord Neuberger – retired as the President of the United Kingdom Supreme Court in 2017. Lord Neuberger would be able to provide strategic and merits advice on the appeal. He would however not be able to represent Post Office in Court (having previously sat as a Judge). If we wish to instruct Lord Neuberger then it would be necessary to do so asap (ideally tomorrow). Hourly rate of **GRO**
- Lord Grabiner QC – a very senior QC who would be well placed to provide strategic advice and merits on the appeal, but would also be able to represent Post Office in the Court of Appeal if it was decided that a senior QC would assist with the presentation of Post Office's case. Lord Grabiner is currently under brief for a different matter but has some availability. Hourly rate of **GRO**

With either option we would also be looking to appoint a couple of junior Counsel to assist with the production of the advice.

Since Lord Neuberger would not be able to represent Post Office in Court, we would recommend that Post Office instruct Lord Grabiner QC to review the judgment (and surrounding documents such as the opening and closing submissions, witness statements and pleadings) and provide advice on the strategy to be adopted for the appeal and the merits of an appeal. We would roughly estimate the costs of obtaining this advice to be c.£80 to 100k, but would be able to firm this estimate once we have provided Lord Grabiner QC with the papers.

These are the very best QCs/Judges available and clearly command a premium price. The alternative would be to instruct a contemporary of David and Tony (noting that they are already very highly respected silks so this is already a highly-qualified level) but at a more proportionate cost. If you would like us to look at this option, please let me know and we will propose some names.

If you have any questions on the scope of the review to be undertaken, please let me know. Otherwise, please could you confirm that we can begin with instructing Lord Grabiner QC?

Kind regards

Amy

Amy Prime

Solicitor

Womble Bond Dickinson (UK) LLP

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