

**From:** "Parsons, Andrew" <[REDACTED]>  
**To:** "Patrick Bourke" [REDACTED]  
"Rodric Williams" [REDACTED]  
**Cc:** "Mark Underwood" [REDACTED]  
"Gribben, Jonathan" [REDACTED]

**Subject:** Deloitte [BD-4A.FID26859284]

**Date:** Tue, 14 Jun 2016 13:07:33 +0000

**Importance:** Normal

**Attachments:** 160520\_Private\_Confidential\_-\_Subject\_to\_Legal\_Privilege\_-\_Testing\_Draf....docx

**Inline-Images:** image001.jpg; image002.jpg; image003.jpg

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Patrick, Rodric

We've spoken this morning to Mark Westbrook at Deloitte and tentatively agreed the following action plan:

1. POL to commission Deloitte to proceed with testing. This would cover the areas marked "yes" in the Testing Plan attached. There are a number of areas that are marked "TBC". My view is that all of these should also be conducted except for Scope Area 8, Substantive test, Level 3. Mark would like confirmation to proceed asap as he is currently holding a team ready to do the work and he may need to release them if he doesn't get the green light in the next day or so.
2. BD to send over to Deloitte a list of questions that need addressing on the "remote access" issue to check whether these will be picked up through Deloitte's work.
3. Deloitte to produce a preliminary report setting out:
  - a. What they have done to date.
  - b. A description of how they believe (i) BTs operate (ii) data is kept secure and (iii) suspense accounts work, and the controls around these areas.
  - c. The results of any testing already conducted to validate the above beliefs.

This will not be a definitive view from Deloitte and will likely be heavily caveated. Its purpose is to give us insight into their current progress so that we can use that information to start forming the Letter of Response to Freeths.

The preliminary report will be produce before 28 June 2016 – the internal date by which BD has committed to produce a first draft of the Letter of Response

4. Deloitte conduct further testing (likely to take 2 months ie. mid August)
5. Deloitte to render a final report which should validate or challenge the positions set out in the preliminary report.

This will only come in after the Letter of Response has been sent but that should be ok because at this stage of the litigation process we just need to set out what our case is (eg. taken from the preliminary report) and not prove our case is correct (eg. taken from the final report)

#### Admin

- Deloitte will remain directly engaged by POL as an expert investigator. We've confirmed to Mark that we do not intend at this stage to engage Deloitte as an expert witness in Court. This apparently makes things much easier on his side when it comes to "risk management". I have however said that Deloitte's work may be passed to another expert witness at some stage so that they could re-use the factual investigations conducted by Deloitte.
- BD will need to sign a hold harmless letter (so that we can't sue Deloitte if they are negligent).
- POL will remain in control of Deloitte's fees. Mark will contact you directly if he believes that anything will change the fee estimates given to date.

- Jonny (cc'd) will take the lead on the BD side of facilitating any engagement between POL, FJ and Deloitte, getting to grips with the detail and then forming this into wording for the Letter of Response.

#### Actions

- Mark to get agreement from Andy Whitton that they are happy to proceed as per above.
- POL to confirm that you are happy to commission Deloitte to undertake the testing described above.
- Jonny will then liaise with Mark to put this into action.

Kind regards  
Andy

**Andrew Parsons**  
Partner

*Bond Dickinson*

Direct:  
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**GRO**

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