

Witness Name: Thomas Mathew Beezer

Statement No.: WITN09510200

Dated: 8 May 2024

## POST OFFICE HORIZON IT INQUIRY

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### SECOND WITNESS STATEMENT OF THOMAS MATHEW BEEZER

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I, THOMAS MATHEW BEEZER, will say as follows.

#### INTRODUCTION

1. I am a Partner in the firm of Womble Bond Dickinson (UK) LLP (**WBD**). A brief summary of my qualifications and career history is given in my first witness statement dated 13 June 2023. This second witness statement is made to assist the Post Office Horizon IT Inquiry (the **Inquiry**) with the matters set out in the Rule 9 Request made of me dated 25 March 2024 (the **Request**). The Request principally concerns the (limited) role I played in *Bates & O'rs v. Post Office Limited* (the **GLO Proceedings**), and in particular the application made by Post Office Limited (**POL**) for the Managing Judge in the GLO Proceedings, Mr Justice Fraser (as he then was), to recuse himself (the **recusal application**).

2. The Request that I have received from the Inquiry relates to matters that took place between 2012 and 2019. Given the passage of time, and my limited role in the GLO Proceedings generally, I have an incomplete recollection of all of the issues covered by the Request although it is right to state that I do have some independent memory of certain relevant events from March and April 2019 as I go on to set out below. In order to provide as full a response as I am now able, and to assist the Inquiry to the greatest possible extent, I have refreshed my memory by reading the documents the Inquiry has referred me to as well as carrying out further searches of those parts of WBD's files relating to this case where I had some involvement, albeit limited. I have not reviewed the entirety of WBD's files relating to the GLO Proceedings or the recusal application, nor have I re-read every email relating to this matter that I was sent or copied into. That would not have been practicable as there are a very large number of documents in those files. Where my answers to the Request are based upon my review of documents, as opposed to my recollection, I have made that clear. Similarly, where I refer to material which was not sent to me by the Inquiry with the Request but which I have identified from my review of WBD's files, I identify that material and provide a copy of it together with this statement.
3. I wish to state at the outset that I have great sympathy for the subpostmasters affected by what I now know to be very significant issues with the Horizon system. Whilst I believed that the recusal application was properly made based upon the information and advice received from Leading Counsel at the time, I can well see that making the application added to the complexity and

challenges faced by the Claimants in the GLO Proceedings. I am sorry for that, and wish to apologise to each and every Claimant for my role in that.

**I AM ASKED TO DESCRIBE TO WHAT EXTENT, IF AT ALL, I WAS INVOLVED WITH, OR HAVE KNOWLEDGE OF, WBD'S WORK IN ADVISING OR REPRESENTING POL IN OR IN CONNECTION WITH THE FOLLOWING MATTERS: THE SECOND SIGHT INVESTIGATION AND PREPARATION OF THE INTERIM REPORT IN 2012/13; THE INITIAL COMPLAINT REVIEW AND MEDIATION SCHEME AND ITS WORKING GROUP IN 2013/15; OR THE REVIEW OF PAST CONVICTIONS OF SPMS.**

4. Although I was aware at a general level that WBD was involved in advising and/or representing POL in or in connection with at least some of these matters:

4.1 the Second Sight investigation and preparation of the Interim Report in 2012/13,

4.2 the Initial Complaint Review and Mediation Scheme and its Working Group in 2013/15; and

4.3 the review of past convictions of SPMS,

I had no material involvement in any of that work.

5. I had a high-level awareness that these matters were ongoing in the team through day-to-day interactions with people within WBD who were engaged on those matters, but I did not have specific or detailed information on any of

those topics as far as I can now recall. Where I did have any involvement in or knowledge of these matters, that was from a resourcing or team management perspective and I do not recall other substantive involvement.

**THE REQUEST ASKS ME TO DESCRIBE TO WHAT EXTENT, IF AT ALL, I WAS INVOLVED IN WBD'S WORK IN ADVISING AND REPRESENTING POL IN THE GLO PROCEEDINGS PRIOR TO MY INSTRUCTION IN RESPECT OF THE RECUSAL APPLICATION.**

6. I was not involved (save in relation to some discrete team and business management issues) in WBD's work in advising or representing POL in the GLO Proceedings prior to me assisting the WBD GLO team in respect of the recusal application in early March 2019. I stepped in to assist an extremely busy team on a temporary basis at a time when it was necessary for extra senior resource to become involved, as I go on to describe below.
  
7. Similar to the position in relation to the other matters I refer to above, prior to early March 2019 I did have high-level awareness of the GLO Proceedings through day-to-day interactions with people within WBD who were engaged in that important matter, but I did not have detailed information on the GLO Proceedings as far as I can now recall. From my review of relevant parts of WBD's files I can see that Andrew Parsons did send on to me (at around the time it was received by WBD, in 2016) the Claimants' Letter of Claim in the GLO Proceedings. I do not recall that and I presume that I was sent that letter for information purposes and to let me know that it had been received as that would impact resourcing in the WBD team. From the WBD files, it does not



appear that I replied to Andrew Parsons, which supports my assumption that I was sent the letter for information only.

8. I had a degree of awareness of the demands that the GLO Proceedings were making upon colleagues at WBD and would speak regularly to colleagues about how things were going, but I was not involved in the substantive proceedings in an advisory capacity before March 2019.

**THE REQUEST ASKS ME TO EXPLAIN THE BACKGROUND TO AND PROCESS BY WHICH I BECAME INSTRUCTED TO ADVISE POL ON THE RECUSAL APPLICATION AND / OR APPLYING FOR PERMISSION TO APPEAL THE ORDERS MADE IN THE COMMON ISSUES TRIAL.**

9. The team within WBD working on the GLO Proceedings was, in early 2019, extremely busy. The Common Issues Trial (CiT) had taken place between 7 November 2018 and 6 December 2018, preparations were underway for the then imminent Horizon Issues Trial (HiT) and the draft CiT Judgment was released to WBD and its GLO Counsel team (which was led by David Cavender KC in respect of the CiT) on 8 March 2019. As part of the case management regime decided in the GLO Proceedings the HiT was scheduled to commence on 11 March 2019. I understood from the WBD GLO team that the draft CiT Judgment was very unfavourable to POL; that the WBD team and POL were dismayed by the outcome; and that there was talk of a possible urgent appeal. I also understood from the WBD GLO team that because of the proximity of the start of the HiT (which was then 3 days from receipt of the draft CiT Judgment, those 3 days including a weekend), if there was to be any

appeal of the CiT Judgment, additional senior (i.e. partner-led) support would be necessary, as the WBD GLO team were also preparing for the HiT, alongside considering the draft CiT Judgment and any next steps that may flow from that.

10. Given the significance of the GLO Proceedings to POL, which was an important client of WBD, it was obvious to me that any additional steps WBD could take to support POL in a moment of particularly intensive work should be offered. As a senior partner in the litigation practice I was well placed to help. I therefore offered to assist with the logistical elements of any appeal, such as lining up Counsel, procedure, supervising junior lawyers already on the WBD GLO team and client interfacing on the topic of the possible appeal/recusal.
11. Whilst I was keen to assist both the WBD GLO team and POL, it was known to the WBD GLO team and to POL that I had no detailed knowledge of the GLO Proceedings as I had not been involved in them to any material degree previously. This can be seen in communications to which the Inquiry has referred me; for example, I say to Jane MacLeod (then the General Counsel at POL) in an email of 17 March 2019 [**POL00022969**] that:

*"In my speaking to Andy [Parsons] today (he calls me after I send e mails on this...) he reminds me of how much I don't know about this matter."*

12. My capacity to advise substantively (by which I mean on the underlying factual and other matters covered by the draft CiT Judgment) was limited, as POL were aware, notwithstanding my desire to assist as best I then could.
13. The process by which I became familiar with the materials I needed to understand (subject always to the point I made in my 17 March 2019 email referred to above) involved reviewing documents that included the draft CiT Judgment,<sup>1</sup> David Cavender KC's note of 10 March 2019<sup>2</sup> (see below) and a summary by Andrew Parsons of the CiT Judgment.<sup>3</sup> The WBD files demonstrate that I was sent these documents on Monday 11 March 2019<sup>4</sup>, i.e. the day the HiT started. I am fairly certain that I would also have had discussions with members of the WBD GLO team to gain a background. My level of familiarity with the issues in play in, and the relevant considerations to take into account regarding, what became the recusal application increased given the intensity of this period but, as I say below, I saw my role as primarily being to provide co-ordination, organisation and a senior point of contact for POL in this particularly demanding period.
14. The concept of a recusal application first came up, so far as I am aware from reviewing the WBD files, from David Cavender KC in his email of 9 March 2019 to Andrew Parsons (to which I was not copied).<sup>5</sup> That email states:

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<sup>1</sup> WBON0001733.

<sup>2</sup> WBON0000209.

<sup>3</sup> WBON0001464. Please note that this document is incorrectly dated 9 March 2018; it should in fact have been dated 9 March 2019.

<sup>4</sup> WBON0001728.

<sup>5</sup> WBON0000649.

*"Indeed I am beginning to form the view that seeking the Judge's recusal is something that we need to actively consider. I am drafting a Note too (as requested) dealing with the appeal on a high level. As part of that I have been collating some of the Judges comments and findings and the gross procedural irregularity here. If we are right about all of those points - then how could a reasonable independent observer think that such a Judge could fairly adjudicate in the future on a dispute between the parties i.e. trial 3 and beyond ? I recognise its extreme - and being so directly involved makes it difficult to be objective - but what we have been served up with is frankly so shockingly bad that we must at least consider it. I deal with this point – in brief in my Note which you will get tomorrow.*

15. That advice note referred to by David Cavender KC was the note I refer to above produced on 10 March 2019.<sup>6</sup> As I explain above, I believe that I first saw that note on 11 March 2019 when the WBD files show that Andrew Parsons forwarded a copy of it to me.<sup>7</sup> I see from the WBD files that the note had been sent to Jane MacLeod and others at POL by Andrew Parsons on 10 March 2019.<sup>8</sup> David Cavender KC warns that recusal is "...*certainly a dramatic option of last resort*" – see paragraph 19 of that note and it also raises the possibility of "*instructing separate Counsel to consider the point on recusal*

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<sup>6</sup> WBON0001466; WBON0000209.

<sup>7</sup> WBON0001728.

<sup>8</sup> WBON0000205.

– *as having been so closely involved in this it is difficult to be truly objective.*"

– see paragraph 23 of that note.<sup>9</sup>

16. David Cavender KC's note of 10 March 2019<sup>10</sup> contains analysis about the possibility of an appeal over certain CiT findings. I believe that I became involved in both the prospective appeal *and* the recusal matter as they were linked concepts (as a function of the then proposed (by David Cavender KC) "*procedural unfairness*" ground of appeal), were both pressing (and became urgent), and my involvement became useful (and in practice necessary) at that time due to the very significant demands on the resources of the WBD GLO team given the then imminent commencement of the HiT on 11 March 2019.
  
17. It is also worth stating that I do recall Jane MacLeod saying to me, early on in my involvement on the recusal/appeal work stream, that she and the Board of POL wanted independent advice on the issues of recusal (on which I had no prior experience, a fact known to Jane MacLeod from our early interactions on the issue. I believe that she had no prior experience of a recusal application either) and appeal. I can see from my handwritten note of 12 March 2019<sup>11</sup> that the concept of independent advice was raised by Jane MacLeod from the outset of my involvement (and, indeed, it can be seen that David Cavender KC raised the concept of independent advice in his note of 10 March 2019,<sup>12</sup> as I set out above).

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<sup>9</sup> WBON0000209.

<sup>10</sup> WBON0000209.

<sup>11</sup> WBON0001738. See also the recently transcribed version of my handwritten note which I have produced for the purpose of this statement: WBON0001736.

<sup>12</sup> WBON0000209.

18. I understood from Jane MacLeod that POL did not want to rely solely upon the advice of David Cavender KC or the advice of WBD on the appeal and recusal issues. The CiT had not gone in POL's favour, and WBD and David Cavender KC were closely connected to that. Hence, Jane MacLeod explained to me, the Board of POL wanted a different Counsel team and, it transpired, further law firms (first Norton Rose Fulbright and later Herbert Smith Freehills (**HSF**)) to provide additional independent advice as I detail below.
19. My role was, as I understood it, to facilitate POL in getting further advice from a new and independent Counsel team whilst the WBD GLO team were occupied with the HiT, before it was adjourned. I was not involved in POL instructing the further law firms that POL retained for additional advice.
20. I can see from my review of WBD's files that, and my own recollection supports this, I was intensively involved in work associated with the recusal application during March 2019 but that my role assisting the WBD GLO team had decreased by around early April 2019 and the WBD GLO team, with much more detailed knowledge of matters than I had, picked up running the procedure of the recusal and the leave to appeal applications, the HiT having by then been adjourned.
21. I had less involvement in the matter in later April and May 2019 although I did attend a POL meeting on 9 May 2019 with David Cavender KC concerning the scope of any appeal. I believe that I was at that particular meeting as Andrew Parsons was initially not able to attend, and I was there primarily as a courtesy to Counsel and POL. Following a change to the start time of the meeting,

Andrew Parsons was able to dial-in to the meeting by telephone and David Cavender KC and I attended in person. I also provided some limited support to Andrew Parsons and the wider WBD GLO team in managing the relationship with Post Office's then new General Counsel, Ben Foat, at this difficult time for the client.

**THE REQUEST ASKS ME TO DESCRIBE THE WRITTEN OR ORAL INSTRUCTIONS I GAVE TO COUNSEL TO ADVISE ON THE RECUSAL APPLICATION, INCLUDING LORD NEUBERGER AND LORD GRABINER. INCLUDING SETTING OUT THE DOCUMENTS I PROVIDED TO THEM.**

22. The instruction of Lord Neuberger and, later, Lord Grabiner was primarily done via WBD sending bundles of documents with associated questions to be addressed by Counsel and by David Cavender KC briefing them (either remotely (as Lord Neuberger was out of the country at the time) or face to face, in the case of Lord Grabiner as each Leading Counsel was from the same Chambers). There were multiple briefing sessions, I believe. The briefings were a Counsel to Counsel process. Given the speed within which POL wanted an independent view from very senior Counsel, that was the most expeditious way to get firstly Lord Neuberger, and then Lord Grabiner, up to speed.
23. In terms of documentation, I believe that David Cavender KC supplied to each of Lord Neuberger and Lord Grabiner a note dated 13 March 2019 which he had prepared in conjunction with Gideon Cohen (Junior Counsel instructed by WBD on behalf of POL) setting out the background to the (at that time) possible

recusal application.<sup>13</sup> On 12 March 2019 Amy Prime, of WBD, sent a bundle of 79 enclosures to Lord Neuberger and Lord Grabiner's clerk.<sup>14</sup> In addition, the note of the Board call of 18 March 2019<sup>15</sup> records that Lord Grabiner had seen Lord Neuberger's advice note dated 14 March 2019, David Cavender KC's and Gideon Cohen's note dated 13 March 2019 and the CiT Judgment.

**THE REQUEST ASKS ME TO DESCRIBE ANY WRITTEN OR ORAL COMMUNICATIONS I HAD CONCERNING THE RECUSAL APPLICATION OR THE APPLICATION FOR PERMISSION TO APPEAL (INCLUDING PROSPECTS OF SUCCESS OR STRATEGY) WITH COUNSEL, MEMBERS OF POL'S LEGAL DEPARTMENT, DIRECTORS OF POL OR UKGI / GOVERNMENT OFFICIALS. INCLUDING SETTING OUT THE DETAIL OF THESE DISCUSSIONS CHRONOLOGICALLY.**

24. Between 11 and 15 March 2019, I liaised with POL and various barristers' chambers (One Essex Court, Blackstone Chambers and Brick Court Chambers) with regard to (i) instructing a senior KC to advise on the merits of making a recusal application and (ii) their availability to undertake the advocacy of such an application if made.<sup>16</sup> POL ultimately instructed Lord Neuberger to advise on the merits of the recusal application and Lord Grabiner to undertake the advocacy. Stephanie Wood (a further Junior Barrister

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<sup>13</sup> WBON0001474; POL00022885.

<sup>14</sup> WBON0001468; WBON0001469.

<sup>15</sup> POL00006792.

<sup>16</sup> WBON0000655; WBON0001738 (handwritten note of telephone call with Jane MacLeod on 12 March 2019) and WBON0001736 (recently transcribed version); WBON0001739; WBON0001740; POL00022877; WBON0001734 (handwritten note) and WBON0001735 (recently transcribed version); WBON0001741; WBON0001742; WBON0001743; WBON0001748; WBON0001750 (handwritten note of telephone call with Jane MacLeod on 15 March 2019) and WBON0001751 (recently transcribed version); WBON0001753; WBON0001754.



instructed by WBD on behalf of POL) and Gideon Cohen were instructed to provide Lord Grabiner with junior support on the recusal application.

25. On 14 March 2019, I received from Lord Neuberger's clerk,<sup>17</sup> and sent on to Jane MacLeod, copies of (i) Lord Neuberger's advice note on the merits of making a recusal application<sup>18</sup> and (ii) David Cavender KC's note he had prepared for Lord Neuberger on the background to the possible recusal application.<sup>19</sup> Lord Neuberger's advice note stated:

a) *"19. For all the reasons set out above I consider that there are reasonable ground for [POL] to bring an application to recuse the Judge in these proceedings. Furthermore, if it is [POL's] intention to bring an appeal on the basis of the "unfairness issues" (as I understand to be the case) – and on that appeal will ask the Court of Appeal to return the case to a different Judge, then the [POL] has little option but to seek to get the Judge to recuse himself at this stage.*

b) *...*

c) *25. Assuming (which seems very likely from what I have heard) the Judge refuses to recuse himself or to adjourn the current trial, consideration should perhaps be given to appealing that decision urgently (a) to ensure it cannot be said that [POL] has waived its right, (b) to bring this matter to the attention of the Court of Appeal in the hope*

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<sup>17</sup> WBON0001474.

<sup>18</sup> POL00023227; POL00023228.

<sup>19</sup> POL00023096; POL00023097.

*that they might expedite the application for permission to appeal. Peter Smith J's refusal on a Friday to recuse himself was reversed by the Court of Appeal the following Monday in Howell v Lees Millais [2007] EWCA Civ 720, but that was a very plain and very simple case."*

26. Between 14 and 15 March 2019 I liaised with POL and the Counsel team regarding the steps to be taken in the recusal process, including attending two calls on 14 March 2019. One of those calls was with Jane MacLeod and David Cavender KC but I do not now recall who was in attendance on the other.<sup>20</sup>
27. Between 15 and 17 March 2019, I liaised with POL and the Counsel team regarding the preparation of a paper for POL's Board explaining:
- 27.1 why POL was considering a recusal application;
  - 27.2 what the application (if successful) would achieve;
  - 27.3 the risks of not proceeding with an application;
  - 27.4 the prospects of success; and
  - 27.5 the process and timing.<sup>21</sup>
28. I prepared a first draft of this recusal paper<sup>22</sup> and, after I had obtained input from Andrew Parsons (given the limited state of my knowledge of matters as I

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<sup>20</sup> WBON0001745 (handwritten note of conference call with Jane MacLeod and David Cavender KC on 14.03.2019) and WBON0001747 (recently transcribed version); WBON0001744 (handwritten note of additional call on 14.03.2019) and WBON0001746 (recently transcribed version); WBON0000674; WBON0000664.

<sup>21</sup> WBON0001756.

<sup>22</sup> WBON0001493; WBON0001494.

outline above), sent it to Jane MacLeod.<sup>23</sup> Substantial input on that draft note was obtained from Andrew Parsons<sup>24</sup> and, later, from David Cavender KC.<sup>25</sup> David Cavender KC added the following comments to the recusal paper:

*"... [Mr Cavender's recommendation is] that it is difficult to see how the litigation can be proceeded to a sensible (and fair) conclusion before this Judge. He has behaved (and is apparently continuing to behave to the current Horizon issues trial) in a manner which can only fairly be described as biased against Post Office. It is almost as though he is a party and has his own position – as opposed to being a neutral tribunal overseeing a adversarial process. That bias is reasonably obvious in the manner that he has behaved and the findings that he has made. But the issues of law he has determined can be overturned and the irrelevant findings of fact likely quashed the current position can be rectified by the Court of Appeal.*

*But in the current Horizon trial and the forthcoming trial (dealing with breach of contract issues) in November 2019, Judge will also be required to make findings of fact and give his view on competing expert evidence. Such findings are much more difficult to attack as it will involve showing that such findings were not open to the Judge on the evidence – which is close to having to show perversity. This is extremely difficult, and in practice the Court of Appeal do not generally*

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<sup>23</sup> WBON0001757; POL00022961.

<sup>24</sup> WBON0001495; WBON0001498.

<sup>25</sup> WBON0001499; WBON0001500.

*overturn findings of fact. So there is an opportunity to do something about this Judicial behaviour now which will not arise again. There must be a real risk that unless this opportunity is taken this Judge is only going to get worse – as he gets emboldened by his earlier findings, and Post Office will be stuck in an unfair trial process and can expect adverse and draconian findings going forward.*

*Furthermore, the appeal that is planned against the CIT judgment involves (1) an appeal against the legal findings (2) an appeal on the basis of procedural unfairness. The procedural unfairness part of the appeal would be on the basis that the Judge made findings of fact he should not have done – and then fed those findings of fact into the legal issues he has determining- which he also should not have done. Given the nature of the second part of the appeal it would be inevitable that the party making that allegation would then ask the Court of Appeal to return the case to a different Judge - given that behaviour. However, if that party has not mounted a recusal application – there is very little the Court of Appeal can do but return it to the Judge- a Judge whose legal findings would (hopefully) have been significantly reversed and his behaviour (hopefully) been criticised by the Court of Appeal – perhaps in trenchant terms. How he would behave in that scenario is at best uncertain.*

*Therefore, Mr. Cavender's view is that it is difficult to see a realistic alternative and so a recusal application should be made."*<sup>26</sup>

29. I sent the updated draft recusal paper to Jane MacLeod on 16 March 2019, along with a comparison against the previous draft I had sent to her.<sup>27</sup> Jane MacLeod responded asking for a call to discuss and stating that POL's Board were *"highly nervous"* of the strategy so we *"need to be very clear on both why doing it is the best course of action, and what our prospects of success are"*.<sup>28</sup> I telephoned Jane MacLeod shortly thereafter and she then followed-up with some comments on the draft recusal paper.<sup>29</sup> I actioned Jane MacLeod's comments and sent her an updated version of the note on 17 March 2019.<sup>30</sup> Jane MacLeod responded with a small number of additional comments<sup>31</sup> which I then actioned.<sup>32</sup>
30. On 17 March 2019, I sent the final version of the recusal paper to Lord Grabiner's clerk asking for Lord Grabiner to review and, if he agreed with its contents, provide a *"broad 'yes that is OK'"*.<sup>33</sup> Lord Grabiner replied later that day stating *"Treat this as my broad 'yes that is ok'. I'm still wading through the treacle of this mad judgment. I don't understand what he thought he was doing or what he thought he was supposed to be doing. The constant repetition of the mantra that he wasn't deciding anything outside of the common issues is*

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<sup>26</sup> WBON0001500.

<sup>27</sup> WBON0001759; POL00023912; POL00023913.

<sup>28</sup> POL00330036.

<sup>29</sup> POL00023231; WBON0001763.

<sup>30</sup> POL00022969; POL00022970.

<sup>31</sup> WBON0001769.

<sup>32</sup> POL00022973; POL00022974.

<sup>33</sup> WBON0001501; WBON0001502.

*hardly credible. I've yet to get to the many other matters but I can see from Gideon's note and from the various quotes that it just gets worse".*<sup>34</sup> Lord Neuberger responded to confirm that he agreed with Lord Grabiner *"re the judgment"*.<sup>35</sup> I relayed Lord Grabiner's and Lord Neuberger's comments to Jane MacLeod and Rodric Williams.<sup>36</sup>

31. I observe in passing that the advice expressed here by very senior Counsel amounted, demonstrably, to a very strong recommendation that POL should be making what became the recusal application.
32. Between 15 March 2019 and 18 March 2019, I also liaised with POL and the Counsel team with regard to arranging (i) a conference between Jane MacLeod and Lord Grabiner at 2pm on 18 March 2019 and (ii) Lord Neuberger's and David Cavender KC's attendance at the conference with POL's Board on 18 March 2019.<sup>37</sup>
33. Ahead of those conferences, on 17 March 2019, Jane MacLeod sent me a document setting out extracts of the CiT Judgment which *"might demonstrate 'bias'"* and which should be *"understood in the context of a decision that was not supposed to be about the factual evidence"*.<sup>38</sup> Jane MacLeod also asked me to seek confirmation as to whether Lord Grabiner was supportive of the

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<sup>34</sup> WBON0001772.

<sup>35</sup> WBON0001773.

<sup>36</sup> WBON0001774.

<sup>37</sup> WBON0001749 (handwritten note of telephone call from Jane MacLeod on 15 March 2019) and WBON0001752 (recently transcribed version); WBON0001493; WBON0001764; WBON0001767; WBON0001770; WBON0001771; WBON0001778; WBON0001777 (handwritten note of telephone call with Rob Smith (clerk at One Essex Court) on 18 March 2019) and WBON0001775 (recently transcribed version); WBON0001779.

<sup>38</sup> WBON0001765; POL00023230.

recusal application. That same day, I responded to Jane MacLeod's email with some comments in response to hers<sup>39</sup> and I also emailed Lord Grabiner's clerk seeking the confirmation Jane MacLeod had asked me to obtain as to whether Lord Grabiner was supportive of the recusal application. Lord Grabiner responded that *he "agree[d] with David Neuberger's approach and [he] support[ed] the recusal application proposal".*<sup>40</sup>

34. At 2pm on 18 March 2019, I attended a conference with Jane MacLeod, Lord Grabiner, David Cavender KC and Gideon Cohen. I made handwritten notes during the conference<sup>41</sup> which I later turned into a more formal attendance note.<sup>42</sup> According to my notes, Lord Grabiner *"confirmed that he agreed with the content of Lord Neuberger's note"* dated 14 March 2019. As to the prospects of a recusal application, Lord Grabiner stated that:

*" - there are strong arguments in favour of an application for recusal, and*

*- it was his strong view that a recusal application was the right course of action, and*

*- there is a "serious prospect of success", and*

*- and that this Judge had done "an unbelievable nonsense and demonstrated apparent bias."<sup>43</sup>*

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<sup>39</sup> POL00023087.

<sup>40</sup> WBON0001768.

<sup>41</sup> WBON0001776 (handwritten note) and WBON0001737 (recently transcribed version).

<sup>42</sup> POL00006792.

<sup>43</sup> POL00006792.

35. Later on 18 March 2019, Lord Neuberger and David Cavender KC attended a conference with POL's Board (I assume that must have been by telephone as Lord Neuberger was overseas at that time). I cannot recall if I attended that conference but Jane MacLeod emailed me afterwards stating that Lord Neuberger had confirmed that he thought POL had *"a good case on recusal"*.<sup>44</sup> Jane MacLeod stated that there was to be a further Board call on 20 March 2019 and asked whether Lord Grabiner would be able to attend in person. Jane MacLeod also asked for *"a pro forma model of what the various outcomes could be – that is, what is the financial impact such that taking a step like recusal is 'worth it'"* and set out various factors that should be taken into account.
36. Between 18 and 20 March 2019, I liaised with POL and Lord Grabiner's clerk with regard to arranging Lord Grabiner's attendance at the conference with POL's Board on 20 March 2019.<sup>45</sup> Jane MacLeod informed me by telephone on 20 March 2019 that a *"non-litigator"* from Norton Rose Fulbright would also be attending the conference in order to provide POL's Board with independent advice.<sup>46</sup>
37. On 19 March 2019, Rodric Williams responded to Jane MacLeod's email of 18 March 2019 with additional comments on the factors that should be taken into

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<sup>44</sup> WBON0001780.

<sup>45</sup> WBON0001783; WBON0001785; WBON0001782 (handwritten note of telephone call with Jane MacLeod on 19 March 2019) and WBON0001781 (recently transcribed version); WBON0001786; WBON0001804; WBON0001790.

<sup>46</sup> WBON0001791 (handwritten note of telephone call with Jane MacLeod on 20 March 2019) and WBON0001793 (recently transcribed version); WBON0001803.



account when assessing the various outcomes of a recusal application.<sup>47</sup> I responded to Rodric Williams' email with my thoughts on the same.<sup>48</sup>

38. Also on 19 March 2019, Jane MacLeod forwarded to me an email exchange she had had with Richard Watson and Tom Cooper (UKGI) requesting (i) an update on the proposed timing for making the recusal application and (ii) written advice from Lord Grabiner by way of a note of the 18 March 2019 conference.<sup>49</sup> I subsequently liaised with the Counsel team with regard to timing (particularly the current status of the necessary application documentation)<sup>50</sup> and sent a corresponding update to Jane MacLeod.<sup>51</sup>

39. On 20 March 2019, I sent Gideon Cohen a copy of my draft note of the conference with Lord Grabiner on 18 March 2019 and asked him and, if possible, Lord Grabiner, to make sure it matched what they took from the conference.<sup>52</sup> Gideon Cohen confirmed that he did not have any corrections or changes and stated that he was "*Not sure Lord Grabiner [would] have a chance to review [that] morning, but no doubt he [would] expand on his view on the call*".<sup>53</sup> "*The call*" being the 20 March 2019 conference with POL's Board. I therefore sent the note to Jane MacLeod.<sup>54</sup>

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<sup>47</sup> WBON0001511.

<sup>48</sup> WBON0001784.

<sup>49</sup> WBON0001789.

<sup>50</sup> WBON0001512.

<sup>51</sup> POL00022883; POL00022884.

<sup>52</sup> WBON0001797.

<sup>53</sup> WBON0001800.

<sup>54</sup> WBON0001801 (email); POL00006792 (conference note).

40. Also on 20 March 2019, I received an email from Jane MacLeod asking *"whether an approach along the following lines (as an alternative to recusal) would be possible procedurally:*

*"1. inform the judge that the company is appealing on the law and unfair procedure*

*2. ask the judge to stop the Horizon trial until the outcome of the appeal is determined on the grounds that if the unfairness claim is upheld it would also put the fairness of the Horizon trial at risk*

*3. If the judge refuses 2, seek and order from a higher court to the same effect and ask the judge at least to stop the Horizon trial until such an order can be obtained (or not)*

*If the remedy in 3 is sought but isn't obtained we will at least have tested the relevance and implications of unfairness issues on the second trial. And effectively a higher court will have told us that any unfairness in the first trial would not impact the Horizon trial (obviously contrary to POL's view).*

*If the remedy in 3 doesn't exist in law then recusal would be an alternative at that point. It seems to me the judge's refusal to agree to 2 would support a recusal application as he would be unwilling to accept that if unfairness took place in the first trial the nature of it would necessarily affect the conduct and fairness of the Horizon trial - a view which logically suggests bias as it is absurd."*

*Could we please test this with the Counsel team? It may have the outcome that the judge is asked to recuse himself, but not necessarily. And seems to assume that we could get an appeal quite quickly, which must be uncertain. I'm also not sure that the logic in 2. holds up, and 3 means arguing procedural unfairness without (necessarily) arguing mis-application of the law etc."*<sup>55</sup>

41. I liaised with the Counsel team with regard to Jane MacLeod's above email and David Cavender KC confirmed that the proposal would "not work" and if made "would make matters (even worse)".<sup>56</sup> I forwarded David Cavender KC's response to Jane MacLeod and she responded as follows:

*d) "The question will be put – if not this, then is there any other alternative to recusal?"*

*e) The Board will want to know that there are no other options"*<sup>57</sup>

42. I responded to Jane MacLeod to confirm that I would warm Lord Grabiner up for that question but that my view was that there was no middle ground.<sup>58</sup> I then forwarded Jane MacLeod's email to the Counsel team and asked Gideon Cohen to warm Lord Grabiner up for the question. Gideon Cohen responded to confirm that he would and he had already discussed it with Lord Grabiner.<sup>59</sup>

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<sup>55</sup> WBON0001799.

<sup>56</sup> WBON0000681.

<sup>57</sup> POL00268876.

<sup>58</sup> WBON0001515.

<sup>59</sup> WBON0001515.

I subsequently emailed the Counsel team with a further question raised by POL for discussion at the conference.<sup>60</sup>

43. As described in more detail below, at 11:45am on 20 March 2019, Lord Grabiner and I attended (by telephone) the first part of POL's Board Meeting. I took a handwritten note<sup>61</sup> which I later used to update my typed note of the conference on 18 March 2019.<sup>62</sup> My notes record that during the conference Lord Grabiner advised:

*"...the Judge had behaved quite improperly and it was now right to ask him to stand down... it is apparent that this Judge has concluded views on matters and as there are further trials to come, then those concluded views would be a significant issue for Post Office unless this Judge is asked to recuse himself.*

*...the apparent concluded views of this Judge are so strong that there is no other way to deal with the issue than recusal. If Post Office does not take such a step, yet later goes to the Court of Appeal on matters of law from the CIT, the Court of Appeal will be left wondering why such a step (i.e. recusal) was not taken.*

...

*...his firm view was that Post Office has no option but to seek the recusal of this Judge... whilst guarantees cannot be provided, Post*

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<sup>60</sup> WBON0001515.

<sup>61</sup> WBON0001796 (handwritten note) and WBON0001794 (recently transcribed version).

<sup>62</sup> POL00006397.

*Office does have a strong case for recusal... his strong recommendation to the Post Office Board was to seek a recusal. The sequencing of the trials, ordered by this Judge, compounds the issue that Post Office faces as this Judge would be looking at the same witnesses and issues in later trials – hence there is no other real option but to seek recusal.*

*... if the Judge refuses to recuse himself then Post Office must ask the Court of Appeal, and if that fails too then this Judge will remain in place for Horizon and later trials... this Judge has already formed a view of Post Office and so a failed recusal application is unlikely to make a difference to outcomes when compared to plausible outcomes from a situation where no recusal application is made.*

...

*... Lord Neuberger agreed with the advice on recusal that Post Office was receiving and... there were few, if any, more respected QCs and ex-Judges in this country."*

44. Later that afternoon, I spoke to Jane MacLeod on the telephone and she confirmed the instructions from POL's Board were to make the recusal application.<sup>63</sup> I relayed POL's instructions to the Counsel team<sup>64</sup> and Lord Grabiner responded stating "*I really don't think [POL] had any choice*".<sup>65</sup>

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<sup>63</sup> WBON0001792 (handwritten note of telephone call with Jane MacLeod on 20 March 2019) and WBON0001795 (recently transcribed version).

<sup>64</sup> WBON0001805.

<sup>65</sup> WBON0001806.

45. In anticipation of receiving instructions from POL on 20 March 2019, Gideon Cohen had earlier circulated drafts of the recusal application documents to the WBD GLO team and the Counsel team.<sup>66</sup> There followed an exchange of emails in relation to the same<sup>67</sup> and Amy Prime then sent the draft documents to Jane MacLeod.<sup>68</sup>
46. At 5pm on 20 March 2019, I dialled in to a regular call with POL to discuss progress regarding legal action in relation to the CiT Judgment.<sup>69</sup>
47. On 21 March 2019, I exchanged emails with Jane MacLeod regarding Andrew Parsons' draft witness statement in support of the recusal application.<sup>70</sup> I also commented on a draft reactive media statement which Jane MacLeod sent to me<sup>71</sup> and exchanged emails with POL regarding the approach to take to disclosure of the application documents to the press.<sup>72</sup>
48. Also on 21 March 2019, I liaised with:
- 48.1 the Counsel team regarding future actions in the event that the recusal application was unsuccessful;<sup>73</sup>
- 48.2 POL regarding the timetable for the recusal application;<sup>74</sup> and

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<sup>66</sup> WBON0001516.

<sup>67</sup> WBON0001807.

<sup>68</sup> POL00023769.

<sup>69</sup> WBON0001808; WBON0001792 (handwritten note) and WBON0001795 (recently transcribed version).

<sup>70</sup> WBON0000687.

<sup>71</sup> POL00023980.

<sup>72</sup> POL00022982.

<sup>73</sup> WBON0000200.

<sup>74</sup> WBON0001846.

- 48.3 Lord Grabiner's and David Cavender KC's clerk regarding their availability to attend the hearing of the recusal application.<sup>75</sup>
49. Between 21 and 26 March 2019, I was copied to emails between WBD and the Counsel team regarding Andrew Parsons' witness statement in support of the recusal application.<sup>76</sup> Save for acknowledging Gideon Cohen's email of 24 March 2019 to which he attached the draft witness statement<sup>77</sup>, I did not engage in the preparation of the witness statement as the Counsel team (with the input of the WBD GLO team) had taken carriage of it.<sup>78</sup>
50. On 26 March 2019, I sent Jane MacLeod a copy of my note of the conference call with Lord Grabiner on 20 March 2019 and asked for her comments and, in particular, the names of the two Partners from Norton Rose Fulbright who had attended the conference.<sup>79</sup> Jane MacLeod responded on 28 March 2019 with her note of the conference,<sup>80</sup> following which I updated my note and sent Jane MacLeod a final version.<sup>81</sup>
51. On 27 March 2019, I dialled in to a regular call with POL to discuss progress regarding actions being taken by POL in response to the CiT Judgment.<sup>82</sup>

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<sup>75</sup> WBON0001848.

<sup>76</sup> WBON0001847; WBON0001522.

<sup>77</sup> WBON0001849.

<sup>78</sup> WBON0001850.

<sup>79</sup> POL00023260.

<sup>80</sup> POL000269773.

<sup>81</sup> POL000274040 (email); POL00006397.

<sup>82</sup> POL00023990.

52. Thereafter, whilst I continued to be copied to some emails relating to the recusal application and/or the application for permission to appeal,<sup>83</sup> I was no longer leading on this workstream because, as explained above, once the HiT was adjourned, the WBD GLO team, who had much more detailed knowledge of the relevant matters than I did, picked up running the procedure of the recusal and the leave to appeal applications. I did email Jane MacLeod on 1 May 2019 in response to her request as to whether I had been able to settle the note of the conferences on 18 and 20 March 2019 with Counsel.<sup>84</sup> I attached a copy of my previous email to her of 28 March 2019 (to which I had attached the final version of the note) and confirmed that I regarded the note as an accurate record of the conferences held.

53. I also joined a small number of calls with POL after March 2019 as follows:

53.1 On 2 April 2019 I attended a telephone call with POL and the Counsel team in preparation for the hearing of the recusal application;<sup>85</sup>

53.2 On 8 May 2019 I attended a meeting with POL;<sup>86</sup>

53.3 As already noted above, on 9 May 2019 I attended a meeting with POL and David Cavender KC concerning the scope of any appeal; and

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<sup>83</sup> See for example: POL00270746, POL00274574 (and attachment POL00274575) and WITN10650119

<sup>84</sup> POL00274039.

<sup>85</sup> WBON0001887 (handwritten note) and WBON0001888 (recently transcribed version).

<sup>86</sup> WBON0001895 (handwritten note) and WBON0001896 (recently transcribed version).



53.4 On 13 May 2019 I attended a call with POL, HSF and Owain Draper (Junior Counsel instructed by WBD on behalf of POL) to discuss strategy in light of the outcome of the recusal application.<sup>87</sup>

**THE REQUEST ASKS ME TO DESCRIBE WHO WAS RESPONSIBLE FOR DECISION MAKING AT POL IN RESPECT OF THE RECUSAL APPLICATION AND THE APPLICATION FOR PERMISSION TO APPEAL.**

54. From my review of the material parts of the WBD files, I can see that I mainly interacted with Jane MacLeod at POL in relation to the recusal application and the application for permission to appeal. As far as I am aware, decisions over day-to-day procedural matters sat with Jane MacLeod as General Counsel at POL, and then later with Ben Foat after he took over that position. However, I understood that ultimately the decision on whether to proceed with the recusal and/or permission to appeal matters was one for the Board of POL. For example, the email chain sent to me by the Inquiry [POL00022969] shows that Jane MacLeod clearly saw recusal and appeal decisions as matters reserved to the Board of POL. A further confirmation of that position can be seen in the following extract from an email to me from Jane MacLeod of 18 March 2019:

*"Many thanks for your help in sorting out DNQC attendance at the call. He was very balanced in his approach, but confirmed that he thinks we have a good case on recusal. The Board asked a number of questions and my sense was that they were 'calmed' by his discussion. However*

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<sup>87</sup> WBON0001897 (handwritten note) and WBON0001898 (recently transcribed version).  
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*they haven't yet made a decision. There is a further board call on Wednesday at 12.30 and they have requested whether Lord Grabiner would be available in person at the time – ideally at FD if that's possible? Having said that they recognise that he will almost certainly say the same things as DNQC".<sup>88</sup>*

55. As described above in this statement, Lord Grabiner and I dialled into a POL Board Meeting on 20 March 2019 as Lord Grabiner was unable to attend POL in person due to preexisting diary commitments. At that meeting, Lord Grabiner gave advice, the Board of POL asked Lord Grabiner questions and I took a handwritten note (being my role, as I understood it – see Jane MacLeod's email to me of 20 March 2019 which made that plain),<sup>89</sup> which I later used to update my typed note of the conference on 18 March 2019.<sup>90</sup> I did not give any advice in that call. As I refer to above, by that time I understood that POL had instructed an additional law firm to provide independent advice on the recusal issue. That resulted in, I believe, two partners from Norton Rose Fulbright being with the POL Board in person on 20 March 2019. Lord Grabiner and I dialled out of that Board Meeting after a short time, and I presume (although I do not know) that the POL Board went on to discuss the recusal application and took a decision having had, at least, WBD's note of 17 March 2019,<sup>91</sup> Lord Neuberger's note of 14 March 2019,<sup>92</sup> a

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<sup>88</sup> WBON0001780.

<sup>89</sup> WBON0001796 (handwritten note), WBON0001794 (recently transcribed version of handwritten note) and WBON0001804.

<sup>90</sup> POL00006397.

<sup>91</sup> WBON0000676.

<sup>92</sup> POL00023228.

call with Lord Neuberger on 18 March 2019, the Lord Grabiner advice (in the form of a conference note of 18 March 2019<sup>93</sup> and Lord Grabiner's advice by phone at the Board Meeting of 20 March 2019)<sup>94</sup> and also with the benefit of two partners from Norton Rose Fulbright in the room with them (although it is right to state that I do not know what POL's instructions to Norton Rose Fulbright were, nor am I aware of any advice given by them to POL, save that I recall that I was told by Jane MacLeod that they had been instructed by POL to provide independent advice on the recusal).

56. I was not with the POL Board when they were discussing their position(s) on the recusal application and nor was I there when they took the decision to proceed with that application. I was informed of that later, on 20 March 2019 by Jane MacLeod during a telephone conversation,<sup>95</sup> which instructions I subsequently relayed to the Counsel team by email.<sup>96</sup>

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<sup>93</sup> POL00006792.

<sup>94</sup> POL00006397.

<sup>95</sup> WBON0001792 (handwritten note of telephone call with Jane MacLeod on 20 March 2019) and WBON0001795 (recently transcribed version).

<sup>96</sup> WBON0001805.

**THE REQUEST ASKS THAT I SET OUT WHAT I BELIEVED THE STRATEGY OR PURPOSE WAS IN MAKING THE RECUSAL APPLICATION OR THE APPLICATION FOR PERMISSION TO APPEAL. TO WHAT EXTENT, IF AT ALL, WAS INCREASING THE CLAIMANTS' COSTS OR DELAYING THE HORIZON ISSUES TRIAL TAKEN INTO ACCOUNT IN DECIDING WHETHER TO PURSUE EITHER APPLICATION?**

57. From my review of the material parts of the WBD files, it appears to me that the strategy or purpose of POL in making the recusal and appeal applications were:

**57.1 To obtain a legally correct CiT Judgment:** Based on advice from Lord Neuberger and Lord Grabiner, it was felt necessary to POL to obtain a correct application of the law (as it saw it at that point in time) to the matters in the CiT and to properly manage POL's possible downside in damages (given the duties the Directors owed to POL).

**57.2 To be best placed to manage the trials that were then yet to come:** The potential impact of the CiT Judgment and of the Managing Judge's findings in the CiT on the trials that were then yet to come (in the sequence of trials ordered as part of the case management in the GLO Proceedings) was a strategic factor to POL.

**57.3 SPM contract management:** The difficulty of seeking to manage POL contracts with subpostmasters under the 'new' post-CiT regime (with the implied terms that had been found to exist in the CiT) was seen as

an important strategic consideration. For example, see the email from Jane MacLeod dated 18 March 2019.<sup>97</sup>

57.4 **The best interests of POL:** I understood from Jane MacLeod that the POL Board was concerned to act in the best interests of POL and meet its fiduciary obligations – see Jane MacLeod email of 16 March 2019.<sup>98</sup>

57.5 **Settlement:** I believe that there was some focus on how the CiT could impact POL's ability to settle the GLO Proceedings – see email from Jane MacLeod of 18 March 2019.<sup>99</sup>

58. On the issue of the Claimants' costs, consideration was given to this topic by the legal team although I do not know what weight was attached to this particular factor by POL in its decision-making. Both David Cavender KC and Lord Neuberger did advise POL that the Court of Appeal could be asked to rewrite the CiT Judgment<sup>100</sup> to correct the law such that a re-trial of the CiT, and the attendant costs could be avoided. Further, I see from my review of the material parts of the WBD files that I cautioned a number of times that if the recusal/leave applications resulted in an adjournment of the HiT then there would be costs consequences. For example, see my email of 14 March 2019 where I state:

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<sup>97</sup> WBON0001780.

<sup>98</sup> POL00330036.

<sup>99</sup> WBON0001780.

<sup>100</sup> POL00022688; POL00023228.

*"please note that in any scenario where HIT is adjourned then there will be possible increased costs consequences for Claimants that POL could bear if it is ultimately unsuccessful".<sup>101</sup>*

59. I do not recall extensive discussions about "delay" to the HiT but I am sure that delay in itself was not a motive for making the application, but that inevitably there was risk that the recusal application would cause delay to the HiT.
60. On 18 March 2019 I stated to POL that: *"In the absence of a recusal application and successful appeal the negotiating position of Post Office seems weak. It is necessary to appreciate that the Claimants are backed by litigation funders who will sense victory from the CiT Judgment. In the absence of risk to the Claimants case (or important elements of it) the funders are likely to insist on recovering the maximum fee they are contractually able to extract from the Claimants and this will erode the "pot" available to the Claimants and thereby drive any settlement number required from Post Office up" [WBON0001784].*
61. In essence, the purpose of the recusal and appeal applications was to seek to correct the perceived legal missteps in the CiT Judgment and to seek a position where the case was remitted back to a different Judge not tied to comments made in the CiT.

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<sup>101</sup> WBON0000661.

**THE REQUEST ASKS ME TO SET OUT MY FULL RECOLLECTION OF WHAT WAS SAID AT THE CONFERENCE WITH LORD GRABINER ON 18 MARCH 2019.**

62. After the time that has passed since March 2019, my best recollection is represented by both the note of the conference that I prepared (and that Jane MacLeod commented on)<sup>102</sup> and by my contemporaneous hand written notes.<sup>103</sup> In addition, Jane MacLeod sent to me, by PDF, her note of that meeting<sup>104</sup> to assist me in the preparation of the more formal note of the conference that I was to prepare.<sup>105</sup>

**THE REQUEST ASKS ME WHY I SOUGHT "TO MAKE THE NOTE A MORE "NORMAL" NOTE OF A CON" (SEE POL00022883)? TO WHAT EXTENT, IF AT ALL, WAS THE CONTENT OR GIST OF THE NOTE DIFFERENT TO WHAT WAS ACTUALLY DISCUSSED? SETTING OUT ANY SUCH DIFFERENCES.**

63. I was aware that the note [POL00022883] was to be submitted to the POL Board members for their consideration. It therefore had to be an ordered and coherent recitation of the advice Lord Grabiner had provided in conference on 18 March 2019. In my experience, the note of any conference with any Counsel is not a verbatim note of a discussion, and nor is it meant or understood to be. It is not a transcript nor described as such. Such a conference note is (in my view) meant to be an accurate summary of the discussion and the advice given in that particular conference. It is also worth

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<sup>102</sup> POL00006792.

<sup>103</sup> WBON0001776 (handwritten note) and WBON0001737 (recently transcribed version).

<sup>104</sup> WBON0001787; WBON0001788.

<sup>105</sup> POL00006792.

stating that my handwritten notes<sup>106</sup> are not a verbatim record of the conference. They are simply my notes and my attempt at capturing the advice given by Lord Grabiner including particular points or phrases, whilst still participating in the conference itself.

64. The note that was produced [POL00022883] does not differ in any material way from what was discussed at the conference of 18 March 2019, save that certain of the more robust comments made by Lord Grabiner were not set out verbatim, given that I was aware that the note was to go to the Board of POL. So a phrase such as "*stand up be counted*" (see my handwritten notes)<sup>107</sup> did not seem to be appropriate in the finalised version to be submitted to the Board of POL. In that more formal note, comment is made about Lord Grabiner's perception of the scope of the Board's duty to POL, so the strength of the views I understood Lord Grabiner to be conveying is recorded. I believe that Jane MacLeod (who had participated in the conference and had heard the advice given by Lord Grabiner) would have understood the above when I stated I was producing "*a more "normal" note of a con*".

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<sup>106</sup> WBON0001776 (handwritten note) and WBON0001737 (recently transcribed version).

<sup>107</sup> WBON0001776 (handwritten note) and WBON0001737 (recently transcribed version).



THE REQUEST ASKS IN SO FAR AS NOT DESCRIBED ABOVE, TO SET OUT MY VIEW ON WHAT MATTERS POL'S LEGAL REPRESENTATIVES AND WBD'S LAY CLIENT APPEARED TO CONSIDER IMPORTANT WHEN DETERMINING ITS STRATEGY IN THE BATES LITIGATION, INCLUDING THE DECISIONS ON (A) WHETHER TO APPEAL THE ORDER MADE IN BATES & O'RS V. POST OFFICE LIMITED JUDGMENT (NO. 3) "COMMON ISSUES" [2019] EWHC 606 (QB) AND (B) WHETHER TO ISSUE AN APPLICATION TO SEEK THE RECUSAL OF FRASER J (AS HE THEN WAS)? DESCRIBE ANY DIVERGENCE OF VIEWS BETWEEN LEGAL REPRESENTATIVES AND / OR MEMBERS OF THE BOARD.

65. I mainly interacted with Jane MacLeod during the period I was substantively involved in the matter (being 11 March 2019 through to early April 2019). I can pass a view on what I consider were matters that she believed to be important, but I do not believe that I interacted directly with the "*Lay Client*" (by which I understand the Inquiry to mean the decision-makers at POL, i.e. POL's Board) in a substantive way so I cannot comment in that regard. From my review of the material parts of the WBD files, it appears to me that POL (by which I mean Jane MacLeod) considered the following issues important in addition to the points that I already detail in my answer at paragraphs 57.1 to 57.5 of this statement:

65.1 **Lord Neuberger's view on the approach of the Judiciary to recusal and contractual interpretation:** It was important to POL that Lord Neuberger be retained to give a view due to him being the then recent ex-President Of The Supreme Court and his views on practice,

procedure and likely Judicial approach – see my email to Jane MacLeod of 12 March 2019<sup>108</sup> and see Jane MacLeod's email of 12 March 2019 which states:

*"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."*<sup>109</sup>

65.2 **PR concerns:** PR was a concern to POL. POL did not want to be seen as arrogant – see Jane MacLeod's email of 16 March 2019.<sup>110</sup> POL wanted the "tone" of legal documents setting out its position to be restrained.<sup>111</sup>

65.3 **Alternatives to recusal:** The POL Board was concerned to understand if there were any alternatives to recusal, in terms of the strategy to be deployed – see email from Jane MacLeod of 20 March 2019<sup>112</sup> and also note the questions posed of Lord Grabiner at the POL Board meeting (to which Lord Grabiner and I dialled in) of 20 March 2019.<sup>113</sup>

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<sup>108</sup> WBON0000658.

<sup>109</sup> WBON0000655.

<sup>110</sup> WBON0001756.

<sup>111</sup> WBON0001805.

<sup>112</sup> WBON0001799.

<sup>113</sup> POL00006397.

**65.4 The connection between "procedural unfairness" and recusal:**

Jane MacLeod did query how closely tied the recusal and appeal issues were. There was discussion over the "*procedural unfairness*" ground and how the recusal application 'had' to be made for that ground to live as a credible ground of appeal – see email from Jane MacLeod of 17 March 2019.<sup>114</sup>

**65.5 Alignment of views in the new Counsel team:** POL was keen to understand if Lord Neuberger and Lord Gribner had aligned views on the merits (they did).

**THE INQUIRY ASKS ME ABOUT MY KNOWLEDGE OF ANY "DIVERGENCE OF VIEWS BETWEEN LEGAL REPRESENTATIVES AND/OR MEMBERS OF THE [POL] BOARD".**

66. From my review of the material parts of the WBD files I can see a reference to what could be seen as a divergence of views in an e mail chain of 16 March 2019.<sup>115</sup> It appears from that e mail chain that I was aware of differing views existing within the POL Board, but I either never had any detail on that topic (such as who thought what) given my limited contact with Board members of POL or now cannot recall any specifics.

**THE REQUEST ASKS ME TO SET OUT IN DETAIL MY REFLECTIONS REGARDING: (A) THE ADVICE THAT I GAVE TO POL AND (B) MY**

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<sup>114</sup> WBON0001765.

<sup>115</sup> WBON0001755.

**INVOLVEMENT IN THIS MATTER. WITH HINDSIGHT, WOULD I HAVE DONE ANYTHING DIFFERENTLY?**

67. It is important to repeat the apology I have made above.

68. In terms of my involvement, I considered that:

68.1 The function of the legal team (particularly Counsel) was to set out clearly the legal principles involved in making an application for recusal and whether there was a sound basis for doing so.

68.2 For the reasons set out in this statement I was involved more as a conduit for that advice to be given to POL rather than providing the advice or offering an opinion, acknowledging that I did provide my views on occasion, as I have identified above.

69. The decision as to whether the recusal application should be made rested ultimately with POL.

70. Given the narrow scope of my role and my limited knowledge on relevant matters, as I set out in this statement, and given the robust advice that POL received from two of the most senior and respected Counsel in the country, I find it hard to envisage what I would have done differently (*at the time*) on the recusal application that I was temporarily involved in. Had the advice received from the new Counsel team been less strong, then I can see that different courses of action may have presented themselves, but given the nature of the advice received, the steps that POL took appeared, *at the time*, to be proper and legally sustainable positions to adopt. If I am permitted to speak from a

position of hindsight, then I regret that the recusal application was made, because I can well see – knowing what I now know about the very serious issues affecting the Horizon system – that it added to the complexity and challenges faced by the Claimants in the GLO Proceedings.

**THE REQUEST ASKS WHETHER THERE ARE ANY OTHER MATTERS THAT I WISH TO BRING TO THE ATTENTION OF THE CHAIR OF THE INQUIRY?**

71. There are no other matters that I wish to bring to the attention of the Chair of the Inquiry.

**Statement of Truth**

I believe the content of this statement to be true.

Signed  .....

THOMAS MATHEW BEEZER

Dated: 08-05-2024 .....

**ANNEX 1****INDEX OF DOCUMENTS REFERENCED IN SECOND WITNESS STATEMENT OF  
THOMAS MATHEW BEEZER**

<b>No.</b>	<b>Document Reference</b>	<b>Document</b>	<b>Date</b>	<b>Control Number</b>
1	POL00022969	Email from Tom Beezer to Jane Macleod and Andrew Parsons ccing Rodric Williams and Amy Prime Re: Urgent: Litigation options dated 17.03.19	17.03.2019	POL-0019448
2	WBON0001733	Draft Common Issues Judgment dated 08.03.19	08.03.2019	WBON0001732_0001
3	WBON0000209	Advice Note by David Cavender KC dated 10.03.19	10.03.2019	WBD_000079.000001
4	WBON0001464	Initial Summary of the Common Issues Judgment dated 09.03.18	09.03.2018	WBD_001334.000001
5	WBON0001728	Email from Andrew Parsons to Tom Beezer FW: Common Issues Judgment: Instructions Table + Subsequent Actions - Subject to Legal Privilege dated 11.03.19	11.03.2019	WBON0001727_0001
6	WBON0000649	Email exchange between Andrew Parsons, David Cavender KC, Gideon Cohen dated 09.03.19	09.03.2019	WBD_000519.000001
7	WBON0001466	Email exchange between Andrew Parsons, David Cavender KC and Gideon Cohen dated 09.03.19 – 10.03.19	10.03.2019	WBD_001336.000001
8	WBON0000205	Email chain involving Mark Underwood, Jane MacLeod, Mark Davies, Melanie Corfield, Julie Thomas, Zoe Brauer, Ben Beabey, Rodric Williams and Andrew Parsons dated 08.03.2019 – 10.03.2019	10.03.2019	WBD_000075.000001
9	WBON0001738	Handwritten notes by Tom Beezer of tel call relating to Appointment of	12.03.2019	WBON0001737_0001

		Counsel for Recusal application dated 12.03.19		
10	WBON0001736	Typed version of handwritten attendance note by Tom Beezer dated 12.03.19	12.03.2019	WBON0001735_0001
11	WBON0001474	Email exchange between Amy Prime and Rob Smith dated 12.03.19 – 14.03.19	14.03.2019	WBD_001344.000001
12	POL00022885	Note on background to possible recusal application dated 13.03.2019	13.03.2019	POL-0019364
13	WBON0001468	Email exchange between Amy Prime and Rob Smith dated 12.03.19	12.03.2019	WBD_001338.000001
14	WBON0001469	Index to Bundle – Instructions to Counsel	12.03.2019	WBD_001339.000001
15	POL00006792	Note of Conference with Lord Grabiner KC dated 18.03.19	18.03.2019	POL-0018039
16	WBON0000655	Email chain involving Amy Prime, Mark Underwood, Jane MacLeod, Rodric Williams and Tom Beezer dated 11.03.19 – 12.03.19	12.03.2019	WBD_000525.000001
17	WBON0001739	Email from Tom Beezer to Andrew Parsons and Amy Prime RE: update [WBDUK-AC.FID26896945] dated 12.03.19	12.03.2019	WBON0001738_0001
18	WBON0001740	Email from Tom Beezer to Jane MacLeod RE: Lord Pannick [WBDUK-AC.FID26896945] dated 12.03.19	12.03.2019	WBON0001739_0001
19	POL00022877	Email from Jane MacLeod to Tom Breezer, Amy Prime and Andrew Parsons re: update [WBDUK-AC.FID26896945] dated 12.03.2019	12.03.2019	POL-0019356
20	WBON0001734	Tom Beezer's handwritten notes referring to call on 12.03.2019	12.03.2019	WBON0001733_0001

21	WBON0001735	Typed version of hwr attendance note dated 12.03.2019	12.03.2019	WBON0001734_0001
22	WBON0001741	Email from Tom Beezer to Amy Prime RE: update [WBDUK-AC.FID26896945] dated 12.03.19	12.03.2019	WBON0001740_0001
23	WBON0001742	Email from Tom Beezer to Jane MacLeod RE: FW: MH QC [WBDUK-AC.FID26896945] dated 13.03.19	13.03.2019	WBON0001741_0001
24	WBON0001743	Email from Tom Beezer to Jane MacLeod Re: MH QC [WBDUK-AC.FID26896945] dated 13.03.19	13.03.2019	WBON0001742_0001
25	WBON0001748	Email from Tom Beezer to Jane MacLeod Re: QCs dated 14.03.19	14.03.2019	WBON0001747_0001
26	WBON0001750	Handwritten notes of Tom Beezer Re: appointment of Counsel dated 15.03.2019	15.03.2019	WBON0001749_0001
27	WBON0001751	Typed version of handwritten note of Tom Beezer dated 15.03.2019	15.03.2019	WBON0001750_0001
28	WBON0001753	Email from Jane MacLeod to Tom Beezer RE: recusal steps for today [WBDUK-AC.FID26896945] dated 15.03.19	15.03.2019	WBON0001752_0001
29	WBON0001754	Email from Tom Beezer to Rob Smith, Andrew Parsons and Amy Prime RE: Post Office Group Litigation - Appeal [WBDUK-AC.FID26896945] dated 12.03.19 – 15.03.19	15.03.2019	WBON0001753_0001
30	POL00023227	Email chain from Tom Beezer to Jane Macleod ccing Andrew Parsons and Amy Prime re: QCs dated 14.03.19	14.03.2019	POL-0019706
31	POL00023228	Bates and Others v Post Office Limited. Observations on Recusal Application dated 14.03.19	14.03.2019	POL-0019707
32	POL00023096	Email from Tom Beezer to Jane Macleod ccing Andrew Parsons	14.03.2019	POL-0019575



		and Amy Prime RE: QCs dated 14.03.19		
33	POL00023097	Note on background to possible recusal application dated 13.03.2019	13.03.2019	POL-0019576
34	WBON0001745	Handwritten notes of Tom Beezer Re: appointment of Counsel dated 14.03.19	14.03.2019	WBON0001744_0001
35	WBON0001747	Typed version of handwritten attendance note of Tom Beezer dated 14.03.19	14.03.2019	WBON0001746_0001
36	WBON0001744	Handwritten notes from Tom Beezer Re: appointment of Counsel dated 14.03.19	14.03.2019	WBON0001743_0001
37	WBON0001746	Typed version of handwritten attendance note by Tom Beezer dated 14.03.19	14.03.2019	WBON0001745_0001
38	WBON0000674	Email chain involving Tom Beezer, Jane MacLeod, David Cavender KC and Gideon Cohen dated 14.03.19 – 17.03.19	17.03.2019	WBD_000544.000001
39	WBON0000664	Email chain involving Tom Beezer, Jane MacLeod, David Cavender KC, Gideon Cohen and Amy Prime dated 14.03.19 – 15.03.19	15.03.2019	WBD_000534.000001
40	WBON0001756	Email from Jane MacLeod to Tom Beezer and Andrew Parsons RE: URGENT: Litigation Options - CONFIDENTIAL AND SUBJECT TO LEGAL PRIVILEGE. [WBDUK-AC.FID26896945] dated 16.03.19	16.03.2019	WBON0001755_0001
41	WBON0001493	Email chain involving Tom Beezer, Andrew Parsons and David Cavender KC dated 15.03.19	15.03.2019	WBD_001363.000001
42	WBON0001494	Draft Recusal Note dated 15.03.2019	15.03.2019	WBD_001364.000001
43	WBON0001757	Email from Tom Beezer to Jane MacLeod and Andrew Parsons RE: URGENT: Litigation Options -	16.03.2019	WBON0001756_0001

		CONFIDENTIAL AND SUBJECT TO LEGAL PRIVILEGE. [WBDUK-AC.FID26896945] dated 16.03.19		
44	POL00022961	WBD: Bates & others v Post Office Limited [DRAFT] Recusal Note dated 16.03.19	16.03.2019	POL-0019440
45	WBON0001495	Email exchange between Tom Beezer, Andrew Parsons and David Cavender KC dated 15.03.19	15.03.2019	WBD_001365.000001
46	WBON0001498	Draft Recusal Note dated 16.03.19	16.03.2019	WBD_001368.000001
47	WBON0001499	Email exchange between Tom Beezer, Andrew Parsons and David Cavender KC dated 15.03.19 – 16.03.19	16.03.2019	WBD_001369.000001
48	WBON0001500	Draft Recusal Note dated 16.03.19	16.03.2019	WBD_001370.000001
49	WBON0001759	Email from Tom Beezer to Jane MacLeod and Andrew Parsons RE: URGENT: Litigation Options - CONFIDENTIAL AND SUBJECT TO LEGAL PRIVILEGE. [WBDUK-AC.FID26896945] dated 16.03.19	16.03.2019	WBON0001758_0001
50	POL00023912	WBD - Bates & others v Post Office Limited - Recusal Note dated 16.03.19	16.03.2019	POL-0020391
51	POL00023913	WBD - Bates & others v Post Office Limited - DRAFT Recusal Note dated 16.03.19	16.03.2019	POL-0020392
52	POL00330036	Email chain involving Jane MacLeod, Tim Parker, Thomas Cooper, Tom Beezer and Andrew Parsons dated 15.03.19 – 16.03.19	16.03.2019	POL-0176165
53	POL00023231	Email from Jane Macleod to Tom Beezer and Andrew Parsons ccing Rodric Williams and Amy Prime re: Urgent: Litigation options - Confidential and Subject to Legal Privilege dated 16.03.19	16.03.2019	POL-0019710

54	WBON0001763	WBD: Bates & Others v Post Office Limited - Recusal Note dated 16.03.19	16.03.2019	WBON0001762_0001
55	POL00022970	WBD Bates & others v Post Office Limited - Recusal Note dated 16.03.19	16.03.2019	POL-0019449
56	WBON0001769	Email from Jane MacLeod to Tom Beezer and Andrew Parsons RE: URGENT: Litigation Options - CONFIDENTIAL AND SUBJECT TO LEGAL PRIVILEGE. [WBDUK-AC.FID26896945] dated 17.03.19	17.03.2019	WBON0001768_0001
57	POL00022973	Email chain from Tom Beezer to Jane Macleod ccing Rodric Williams Re: Urgent Litigation Options dated 17.03.19	17.03.2019	POL-0019452
58	POL00022974	WBD Bates & Others v Post Office Limited [Draft] Recusal Note dated 17.03.2019	17.03.2019	POL-0019453
59	WBON0001501	Email chain involving Tom Beezer, Rob Smith and Lord Grabiner KC dated 17.03.19	17.03.2019	WBD_001371.000001
60	WBON0001502	Draft Recusal Note dated 17.03.2019	17.03.2019	WBD_001372.000001
61	WBON0001772	Email from Anthony Grabiner to Tom Beezer et al Re: URGENT [WBDUK-AC.FID26896945] dated 17.03.19	17.03.2019	WBON0001771_0001
62	WBON0001773	Email from David Neuberger to Tom Beezer Re: URGENT [WBDUK-AC.FID26896945] dated 17.03.19	17.03.2019	WBON0001772_0001
63	WBON0001774	Email from Tom Beezer to Jane MacLeod and Rodric Williams RE: short update [WBDUK-AC.FID26896945] dated 17.03.19	17.03.2019	WBON0001773_0001
64	WBON0001749	Handwritten notes of Tom Beezer Re: appointment of Counsel dated 15.03.19	15.03.2019	WBON0001748_0001

65	WBON0001752	Typed version of handwritten tel attendance note by Tom Beezer dated 15.03.19	15.03.2019	WBON0001751_0001
66	WBON0001493	Email exchange between Tom Beezer, Andrew Parsons and David Cavender KC dated 15.03.19	15.03.2019	WBD_001363.000001
67	WBON0001764	Email from Rob Smith to Tom Beezer Re: my voicemail [WBDUK-AC.FID26896945] dated 16.03.19	16.03.2019	WBON0001763_0001
68	WBON0001767	Email from Tom Beezer to Jane MacLeod RE: URGENT: Litigation Options - CONFIDENTIAL AND SUBJECT TO LEGAL PRIVILEGE. [WBDUK-AC.FID26896945] dated 17.03.19	17.03.2019	WBON0001766_0001
69	WBON0001770	Email from Tom Beezer to Jane MacLeod and Andrew Parsons RE: URGENT: Litigation Options - CONFIDENTIAL AND SUBJECT TO LEGAL PRIVILEGE. [WBDUK-AC.FID26896945] dated 17.03.19	17.03.2019	WBON0001769_0001
70	WBON0001771	Email from Tom Beezer to Jane MacLeod and Andrews Parsons RE: URGENT: Litigation Options - CONFIDENTIAL AND SUBJECT TO LEGAL PRIVILEGE. [WBDUK-AC.FID26896945] dated 17.03.19	17.03.2019	WBON0001770_0001
71	WBON0001778	Email from Tom Beezer to Jane MacLeod RE: Grabiner [WBDUK-AC.FID26896945] dated 18.03.19	18.03.2019	WBON0001777_0001
72	WBON0001777	Tom Beezer Handwritten Notes- 18th March 2019	18.03.2019	WBON0001776_0001
73	WBON0001775	Typed version of handwritten tel attendance note by Tom Beezer dated 18.03.19	18.03.2019	WBON0001774_0001
74	WBON0001779	Email from Jane MacLeod to Tom Beezer RE: logistics for today	18.03.2019	WBON0001778_0001

		[WBDUK-AC.FID26896945] dated 18.03.19		
75	WBON0001765	Email from Jane MacLeod to Tom Beezer RE: URGENT: Litigation Options - CONFIDENTIAL AND SUBJECT TO LEGAL PRIVILEGE. [WBDUK-AC.FID26896945] dated 17.03.19	17.03.2019	WBON0001764_0001
76	POL00023230	Extracts from the Fraser J Judgment that Demonstrate Bias	17.03.2019	POL-0019709
77	POL00023087	Email Chain from Tom Beezer to Jane Macleod CCing Andrew Parsons, Rodric Williams and Amy Prime re: Urgent: litigation options dated 17.03.19	17.03.2019	POL-0019566
78	WBON0001768	Email from Anthony Grabiner QC to RobSmith cc Tom Beezer Re: URGENT [WBDUK-AC.FID26896945] dated 17.03.19	17.03.2019	WBON0001767_0001
79	WBON0001776	Tom Beezer Handwritten notes RE: Lord Grabiner QC conference at One Essex Court dated 18.03.19	18.03.2019	WBON0001775_0001
80	WBON0001737	Tom Beezer notes re: Lord Grabiner QC conference dated 18.03.19	18.03.2019	WBON0001736_0001
81	WBON0001780	Email from Jane MacLeod to Tom Beezer, Andrew Parsons and Rodric Williams RE: Update from the Board call dated 18.03.19	18.03.2019	WBON0001779_0001
82	WBON0001784	Email from Tom Beezer to Rodric Williams, Jane MacLeod and Andrew Parsons RE: Update from the Board call - [WBDUK-AC.FID26896945] dated 19.03.2019	19.03.2019	WBON0001783_0001
83	WBON0001785	Email from Tom Beezer to Jane MacLeod RE: Update from the Board call - [WBDUK-AC.FID26896945] dated 19.03.19	19.03.2019	WBON0001784_0001

84	WBON0001782	Tom Beezer Handwritten notes dated 19th March 2019	19.03.2019	WBON0001781_0001
85	WBON0001781	Typed version of attendance note of Tom Beezer dated 19.03.2019	19.03.2019	WBON0001780_0001
86	WBON0001786	Email from Tom Beezer to Jane MacLeod RE: Grabiner dated 19.03.19	19.03.2019	WBON0001785_0001
87	WBON0001804	Email from Tom Beezer to Jane MacLeod RE: Dial in details [WBDUK-AC.FID26896945] dated 20.03.19	20.03.2019	WBON0001803_0001
88	WBON0001790	Email from Tom Beezer to Jade Cassell RE: 11.45 tomorrow [WBDUK-AC.FID26896945] dated 19.03.19	19.03.2019	WBON0001789_0001
89	WBON0001791	Tom Beezer- Handwritten notes dated 20-3-2019	20.03.2019	WBON0001790_0001
90	WBON0001793	Typed version of handwritten notes by Tom Beezer dated 20.03.2019	20.03.2019	WBON0001792_0001
91	WBON0001803	Email from Tom Beezer to Andrew Parsons, Gideon Cohen et al RE: recusal [WBDUK-AC.FID26896945] dated 20.03.19	20.03.2019	WBON0001802_0001
92	WBON0001511	Email exchange between Jane MacLeod, Tom Beezer, Andrew Parsons and Rodric Williams dated 18.03.19 – 19.03.19	19.03.2019	WBD_001381.000001
93	WBON0001784	Email from Tom Beezer to Rodric Williams, Jane MacLeod and Andrew Parsons RE: Update from the Board call - [WBDUK-AC.FID26896945] dated 19.03.19	19.03.2019	WBON0001783_0001
94	WBON0001789	Email from Jane MacLeod to Tom Beezer FW: Post Office Litigation - CONFIDENTIAL AND SUBJECT TO LEGAL PRIVILEGE dated 19.03.19	19.03.2019	WBON0001788_0001



95	WBON0001512	Email from Gideon Cohen to Tom Beezer dated 19.03.19	19.03.2019	WBD_001382 .000001
96	POL00022883	Email from Tom Beezer to Jane Macleod ccing Andrew Parsons, Rodric Williams and others, RE: Post Office Litigation dated 20.03.19	20.03.2019	POL- 0019362
97	POL00022884	Bates and Others v Post Office Limited. Observations on Recusal Application dated 14.03.19	14.03.2019	POL- 0019363
98	WBON0001797	Email from Tom Beezer to Gideon Cohen RE: Lord Grabiner Conference Note 18-3-2019 [WBDUK-AC.FID26896945] dated 20.03.19	20.03.2019	WBON00017 96_0001
99	WBON0001800	Email from Gideon Cohen to Tom Beezer Re: Lord Grabiner Conference Note 18-3-2019 [WBDUK-AC.FID26896945] dated 20.03.16	20.03.2019	WBON00017 99_0001
100	WBON0001801	Email from Tom Beezer to Jane MacLeod RE: Post Office Litigation - CONFIDENTIAL AND SUBJECT TO LEGAL PRIVILEGE [WBDUK-AC.FID26896945] dated 20.03.19	20.03.2019	WBON00018 00_0001
101	WBON0001799	Email from Jane MacLeod to Tom Beezer RE: recusal dated 20.03.19	20.03.2019	WBON00017 98_0001
102	WBON0000681	Email chain involving Jane MacLeod, Tom Beezer, Gideon Cohen, David Cavender KC, Stephanie Wood and Andrew Parsons dated 20.03.19	20.03.2019	WBD_000551 .000001
103	POL00268876	Email chain from Jane MacLeod to Tom Beezer RE: recusal dated 20.03.19	20.03.2019	POL-BSFF- 0106939
104	WBON0001515	Email chain involving Jane MacLeod, Tom Beezer, Gideon Cohen, David Cavender KC and Stephanie Wood dated 20.03.19	20.03.2019	WBD_001385 .000001

105	WBON0001796	Tom Beezer's Handwritten notes re: POL Board Dial-in dated 20.03.19	20.03.2019	WBON0001795_0001
106	WBON0001794	Typed version of handwritten notes by Tom Beezer dated 20.03.19	20.03.2019	WBON0001793_0001
107	POL00006397	Note of conferences on 18/3/2019 and 20/3/2019 with Lord Grabiner QC	20.03.2019	POL-0017702
108	WBON0001792	Tom Beezer's Handwritten notes dated 20-3-2019	20.03.2019	WBON0001791_0001
109	WBON0001795	Typed version of handwritten note by Tom Beezer dated 20.03.19	20.03.2019	WBON0001794_0001
110	WBON0001805	Email from Tom Beezer to Gideon Cohen et al RE: Application docs [WBDUK-AC.FID26896945] dated 20.03.19	20.03.2019	WBON0001804_0001
111	WBON0001806	Email from Anthony Grabiner to Tom Beezer Re: Application docs [WBDUK-AC.FID26896945] dated 20.03.19	20.03.2019	WBON0001805_0001
112	WBON0001516	Email from Gideon Cohen to Tom Beezer, Andrew Parsons, Dave Panaech and Amy Prime dated 20.03.19	20.03.2019	WBD_001386.000001
113	WBON0001807	Email from Gideon Cohen to Amy Prime, Tom Beezer et al RE: Application docs [WBDUK-AC.FID26896945] dated 20.03.19	20.03.2019	WBON0001806_0001
114	POL00023769	Email from Amy Prime to Jane MacLeod and cc others RE: Recusal application - Draft Documents dated 20.03.19	20.03.2019	POL-0020248
115	WBON0001808	Email from Amy Prime to Jane MacLeod, Mark Underwood, Ben Foat and others re CIT Judgment Legal Action Progress Check-in dated 20.03.19	20.03.2019	WBON0001807_0001



116	WBON0000687	Email chain involving Amy Prime, Jane MacLeod and Tom Beezer dated 20.03.19 – 21.03.19	21.03.2019	WBD_000557 .000001
117	POL00023980	Email chain between Tom Breezer, Jane MacLeod, Andrew Parsons, Rodric Williams and others Re: recusal - reactive media statement dated 21.03.19	21.03.2019	POL- 0020459
118	POL00022982	Email chain from Melanie Corfield to Jane Macleod, Tom Beezer and Amy Prime ccing Andrew Parsons, Dave Panaech and others, re: Recusal application - Filed documents dated 21.03.19	21.03.2019	POL- 0019461
119	WBON0000200	Email exchange between David Cavender KC, Tom Beezer, Andrew Parsons, Gideon Cohen and Owain Draper dated 21.03.19 – 22.03.19	22.03.2019	WBD_000070 .000001
120	WBON0001846	Email from Tom Beezer to Amy Prime, Jane MacLeod et al RE: Recusal Application - Timetable [WBDUK-AC.FID26896945] dated 21.03.19	21.03.2019	WBON00018 45_0001
121	WBON0001848	Email from Andrew Parsons to Tom Beezer, Rob Smith and Amy Prime RE: Recusal Application – Timetable dated 21.03.19 – 22.03.19	22.03.2019	WBON00018 47_0001
122	WBON0001847	Email from Gideon Cohen to Amy Prime Re: Recusal Application - Timetable [WBDUK-AC.FID26896945] dated 21.03.19	21.03.2019	WBON00018 46_0001
123	WBON0001522	Email chain involving Amy Prime, Gideon Cohen, Stephanie Wood, Andrew Parsons, Tom Beezer, Dave Panaech and Lord Grabiner KC dated 22.03.19 – 26.03.19	26.03.2019	WBD_001392 .000001
124	WBON0001849	Email from Tom Beezer to Gideon Cohen, Amy Prime et al RE:	25.03.2019	WBON00018 48_0001

		Witness Statement [WBDUK-AC.FID26896945] dated 25.03.19		
125	WBON0001850	Email from Andrew Parsons, to Tom Beezer, Owain Draper et al RE: Witness Statement [WBDUK-AC.FID26896945] dated 22.03.19 – 25.03.19	25.03.2019	WBON0001849_0001
126	POL00023260	Email from Tom Beezer to Jane Macleod ccing Andrew Parsons and Amy Prime re: Updated Note dated 26.03.19	26.03.2019	POL-0019739
127	POL00269773	Email from Jane MacLeod to Tom Beezer RE: Post Office - Note of calls with AG QC dated 28.03.2019	28.03.2019	POL-BSFF-0107836
128	POL00274040	Email exchange between Jane MacLeod and Tom Beezer dated 28.03.19	28.03.2019	POL-BSFF-0112103
129	POL00023990	Email from Amy Prime to Jane MacLeod, Mark Underwood, Ben Foat and others re CIT Judgment Legal Action Progress Check-in dated 27.03.19	27.03.2019	POL-0020469
130	POL00270746	Email from Andrew Parsons to Jane MacLeod, Rodric Williams, Amy Prime and others RE: Appeal - next steps and call on Monday? dated 14.04.2019	14.04.2019	POL-BSFF-0108809
131	POL00274574	Email chain between Andrew Parsons, David Neuberger and Lord Grabiner Re: Recusal appeal judgment dated 12.05.2019	12.05.2019	POL-BSFF-0112637
132	POL00274575	Post Office Group Litigation: DRAFT Briefing on the recusal appeal judgment dated 12.05.19	12.05.2019	POL-BSFF-0112638
133	WITN10650119	Email between David Neuberger to Andrew Parsons: EN 19 RE: A1/2019/0855 POST OFFICE LIMITED V BATES AND OTHERS dated 14.03.19	14.03.2019	WITN10650119

134	POL00274039	Email from Tom Breezer to Jane MacLeod cc'd Veronica Branton, Ben Foat and others re: Post Office -Note of calls with AG QC [WBDUK-AC.FID26896945] dated 01.05.2019	01.05.2019	POL-BSFF-0112102
135	WBON0001887	Tom Beezer's handwritten notes re: AGQC dated 2nd April 2019	02.04.2019	WBON000186_0001
136	WBON0001888	Typed version of handwritten note by Tom Beezer dated 02.04.19	02.04.2019	WBON000187_0001
137	WBON0001895	Tom Beezer's handwritten notes Re: POL Board Meeting dated 08.05.19	08.05.2019	WBON0001894_0001
138	WBON0001896	Typed version of handwritten attendance note by Tom Beezer dated 08.05.19	08.05.2019	WBON0001895_0001
139	WBON0001897	Tom Beezer's handwritten notes RE: POL Call dated 13.05.19	13.05.2019	WBON0001896_0001
140	WBON0001898	Typed version of handwritten note by Tom Beezer dated 13.05.19	13.05.2019	WBON0001897_0001
141	WBON0000676	Recusal Note dated 17.03.2019	17.03.2019	WBD_000546.000001
142	POL00022688	Advice from DCQC on the merits of appealing the High Court judgment in Bates v PO - Group Litigation dated 10.03.19	10.03.2019	POL-0019167
143	WBON0000661	Email from Tom Beezer to Jane MacLeod, David Cavender KC and Gideon Cohen dated 14.03.19	14.03.2019	WBD_000531.000001
144	WBON0001787	Email from Diane Blanchard to Tom Beezer RE: Notes from conversation with DNQC dated 19.05.19	19.03.2019	WBON0001786_0001
145	WBON0001788	Jane MacLeod's handwritten notes of conference with Lord Neuberger KC on 18.03.2019	19.03.2019	WBON0001787_0001

146	WBON0000658	Email from Tom Beezer to Jane Macleod dated 12.03.19	12.03.2019	WBD_000528.000001
147	WBON0000655	Email chain involving Amy Prime, Mark Underwood, Jane MacLeod, Rodric Williams and Tom Beezer dated 11.03.2019 – 12.03.2019	12.03.2019	WBD_000525.000001
148	WBON0001755	Email from Amy Prime to Tom Beezer and Andrew Parsons RE: URGENT: Litigation Options - CONFIDENTIAL AND SUBJECT TO LEGAL PRIVILEGE dated 16.03.19	16.03.2019	WBON0001754_0001