

Message

IRRELEVANT

From: Andrew Parsons [GRO]
Sent: 07 September 2018 11:25
To: Anthony de Garr Robinson [GRO]; Simon Henderson [GRO]
Cc: Gavin Matthews [GRO]; Jonathan Gribben [GRO]; Lucy Bremner [GRO]; Emma Campbell-Danesh [GRO]
Subject: RE: Scope of Horizon [WBDDUK-AC.FID26896945]

Will do.

The meeting with the criminal guys has just been confirmed for 11am at OEC.

It will be Simon Clarke - <https://cartwrightking.co.uk/profile/simon-clarke-P309/> and Martin Smith, solicitor.

Rod Williams from POL will also be there.

Simon and Martin have done lots of prosecutions for Post Office over the years so understand how branches work and the role of Horizon. I've attached an advice note Simon did 5 years ago about why POL should be wary about relying on Gareth Jenkins, which sets the context for the meeting.

In terms of what we may need from GJ, it covers broadly two things:

1. Information about remote access – see attached note that was sent to FJ to start the discussions about this evidence

2. Evidence responding to particular bugs in the system that GJ directly dealt with.

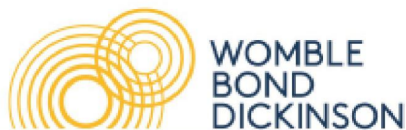
A

Andrew Parsons

Partner
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From: Anthony de Garr Robinson;  GRO
Sent: 07 September 2018 10:01
To: Andrew Parsons; Simon Henderson
Cc: Gavin Matthews; Jonathan Gribben; Lucy Bremner; Emma Campbell-Danesh
Subject: RE: Scope of Horizon [WBUDK-AC.FID26896945]

I'd forgotten about them – I should have looked at my diary before responding. Maybe Simon and I could put our heads together after that meeting – assuming it happens – before having a discussion with you.

In his email of a few minutes ago, Simon expresses the view that, before deciding what to do about the proper scope of Horizon and whether the Horizon issues can be determined without a consideration of other systems such as POLSAP, it would be helpful if Robert could articulate his views. I agree with that. Might it be possible for Robert to produce something in writing for us to reflect on before we discuss this further? On Monday, perhaps?

The more time we have for this the better. But one of the things we need to factor into our deliberations is when and how to raise any points we decide to raise. In that regard, the date of the forthcoming CMC on 19/09 complicates matters somewhat.

Best wishes,

Tony

From: Andrew Parsons;  GRO
Sent: 07 September 2018 09:49
To: Simon Henderson;  GRO; Anthony de Garr Robinson;  GRO
Cc: Gavin Matthews;  GRO; Jonathan Gribben;  GRO; Lucy Bremner;  GRO; Emma Campbell-Danesh;  GRO
Subject: RE: Scope of Horizon [WBUDK-AC.FID26896945]

And yes, this one isn't urgent.

I'm still trying to get confirmation of whether the criminal lawyers are coming into Chambers on Monday...

A

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From: Simon Henderson [redacted] GRO
Sent: 07 September 2018 09:48
To: 'Anthony de Garr Robinson'; Andrew Parsons
Cc: Gavin Matthews; Jonathan Gribben; Lucy Bremner; Emma Campbell-Danesh
Subject: RE: Scope of Horizon [WBDUK-AC.FID26896945]

Hi Tony
Our emails crossed: but yes I'm happy to discuss on Monday morning
Best
Simon

From: Anthony de Garr Robinson [redacted] GRO
Sent: 07 September 2018 09:47
To: 'Andrew Parsons' [redacted] GRO; Simon Henderson [redacted] GRO
Cc: Gavin Matthews [redacted] GRO; Jonathan Gribben [redacted] GRO; Lucy Bremner [redacted] GRO; Emma Campbell-Danesh [redacted] GRO
Subject: RE: Scope of Horizon [WBDUK-AC.FID26896945]

Bearing in mind the other things going on at the moment, I'd like a little time to reflect on this point and on the essay plan you sent over earlier, if that is possible.

Could we aim to respond on Monday afternoon, Andy? If so, would you be free to talk about this with me on Monday morning, Simon?

Best wishes,
Tony

From: Andrew Parsons [redacted] GRO
Sent: 07 September 2018 08:07
To: Anthony de Garr Robinson [redacted] GRO; Simon Henderson [redacted] GRO; [redacted] GRO
Cc: Gavin Matthews [redacted] GRO; Jonathan Gribben [redacted] GRO; Lucy Bremner [redacted] GRO; Emma Campbell-Danesh [redacted] GRO
Subject: FW: Scope of Horizon [WBDUK-AC.FID26896945]

Tony, Simon.

Second thing from Robert – see below.

The scope of Horizon is plainly going to be a big issue. I agree with Robert that moving the boundary to include POLSAP is a bad idea. I'm sure there are many ways that POLSAP and Horizon talk to each other, but the key one that I am aware of is TCs. In crude terms, TC information is manually loaded into POLSAP and then POLSAP sends the TCs to Horizon. This is why, I suspect, Coyne wants to include it.

In response to this:

First, I agree with Robert that this would be a massive increase in scope.

Second, we have given very little (if any?) disclosure on POLSAP.

Third, the definition of Horizon in the Horizon Issues is limited to just the Horizon system. There is no doubt in my mind (and I'm sure that Robert would back this up) that no properly informed person would say that POLSAP was part of Horizon – they are two separate systems, although part of a highly integrated IT estate.

Fourth, the Cs have no pleaded case against any system other than Horizon – see para 12 GPOC onwards that only talks about Horizon.

The challenge is whether or how to raise this with the Judge. The options I see are:

1. Raise it with the Judge before Coyne does his report. Perhaps Robert could do this under CPR 35.14? I'm not attracted to this approach:
 - o We already have enough work for the Judge to do with adding another issue (Simon – we have just made a security for costs and a strike out application on the Common Issues side – if you would like copies, please say).
 - o I think it will be difficult for the Judge to decide on this without first seeing the extent of the problem. This is a technical question about where you draw the boundary between one system and the next one: which in my experience of doing IT disputes is fertile ground for litigation in itself.
2. Raise it after we get Coyne's report, but put down a marker now in correspondence
 - o This is my preferred way forward. Its pro-active but keeps our options open.
3. Stay silent and then use it as grounds to attack Coyne at trial. He's going to look pretty silly giving opinions on topics where there has been no disclosure or evidence.
 - o This is a high stakes play because to make this work Robert will need to say nothing about POLSAP in his report, giving us nothing to throw back at Coyne.
 - o It might irritate the Judge if we get to trial and there is a chasm between the two experts on an issue as fundamental as "what is the Horizon system?"

Thoughts?

A

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From: robert worden GRO
Sent: 06 September 2018 17:10
To: Andrew Parsons
Cc: 'Chris Emery'; Jonathan Gribben
Subject: Scope of Horizon

Andy -

In our JM meeting and in the JM itself, Coyne has clearly signalled that he will consider POLSAP to be within the boundary of Horizon.

I think there is no possibility of expert agreement here.

So it will be determined by lawyers sooner or later. We would be interested to know when you think that will be, and I can offer some expert considerations that are relevant.

In addressing robustness of Horizon - the core issue of the case - neither expert has the evidence to assess robustness of POLSAP. So issue 3 cannot be decided, if POLSAP is within Horizon. Coyne should have requested disclosure of POLSAP evidence a long time ago, if he needed to assess that.

Obviously POLSAP does all the accounting for PO - and being a SAP ERP system, probably also does a lot more as well. Accounting is just one module of SAP. So including POLSAP would be a massive increase in scope, bringing in a load of irrelevant stuff.

No doubt you will put all the arguments about proportionality, trial date, and so on.

Regards

Robert

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