

Message

From: Andrew Parsons **GRO**
Sent: 18/10/2019 19:08:25
To: Rodric Williams; **GRO**; Emanuel, Catherine **GRO**; Lerner, Alex
Subject: KEL documents [WBDUK-AC.FID26896945]
Attachments: KEL Disclosure Actions Table - Update 18.10.19 (002).docx

Rod, Kate

Bullets for comment. Below is a possible email to Ben from Rod. Attached is an updated board report.

I have emailed Tony about getting him to confirm a delivery time for his bit.

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Ben

Please find attached the updated board report addressing your points. They key points to note are:

1. WBD are assessing the risk over the weekend of the 93 high-risk KELs. By [cob on Wednesday] next week Counsel will have reviewed those KELs in detail and given a view on whether they are likely to cause the Horizon trial to be recommenced / the judgment delayed.
2. In relation of the c14,000 other KELs (ie. those not used at the trial), the key risk of reviewing the 14,000 KELs is that the Claimants have not asked for the documents yet. If we review them now, PO will be required to disclose any adverse documents uncovered. This is doing the Claimants' work for them and may highlight new bugs in Horizon that the Cs had previously decided not to raise / overlooked. The advice of WBD therefore is that PO should not review the 14,000 other KELs unless the Claimants ask for them or Tony's review highlights major risks that warrant a wider review.
3. If, having understood the above risk, the board still want the 14,000 KELs reviewed by the end of next week:
 - o Many of the KELs (may be up to 50%) could be duplicates of previously disclosed documents. Because the KEL is a live database, the KELs could not be extracted in a way to avoid this duplication. A manual duplication will now be needed. This is much larger pool of documents than we expected needing review slowing the review process.
 - o To do this at pace, this will need to be done by a team of paralegals. A paralegal team (as opposed to the small dedicated team of lawyers who ran the trial) will create a risk of inaccuracies in the review process because the KELs are technical in nature. WBD and HSF are confirming resources to deliver this.
 - o The technical subject nature of the KELs may cause the review process to run slower than expected as the material is difficult to comprehend. At the trial, these documents were reviewed at length by the experts and even they disagreed about their contents.

Kind regards
Rod

Andrew Parsons
Partner
Womble Bond Dickinson (UK) LLP

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m:
t:
e:

GRO

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