

Message

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Sent: 20/08/2004 09:45:18
To: Lenton-Smith Colin [/O=ICL/OU=UKSOUTH FEL01/CN=RECIPIENTS/CN=LENTON-SMITHC]; Mitchell William [/O=ICL/OU=UKSOUTH FEL01/CN=RECIPIENTS/CN=MITCHELLW]
Subject: Risk Position on Litigation Support
Attachments: HSH Call Analysis.doc

Colin, Bill.

Following on from the Cleveleys outcome, what looks like the re-appearance of Shobnall Road and the possible outcome of that case I believe we should consider a risk position around litigation support. My reasons are :

1. Although Cleveleys may appear to be closed it could be construed that POL bought off Mrs Wolstenholme rather than defend their system. Even if a gagging order is placed on the woman she apparently had a gaggle of Post Masters lined up to support her case and they will be well aware of what the final outcome was. I'm sure that they will not be keeping quiet. It is not clear why Post Office chose to settle rather than fight although I suspect they realised that to expose the HSH transcripts in Court would not help their case - personally I can understand that position.

2. Shobnall Road has come back. Bill has apparently been asked to provide a Witness Statement to the effect that nothing contained in the HSH calls over the period in question could have caused, or be described as, a system malfunction. I'm attaching a brief analysis of the HSH transcripts that I did in April. Comments made by engineers that 'keyboards can cause phantom transactions' do not help the Post Office's position. I suspect that we cannot make the statement required and when PO read the transcripts in detail they may well think that they could not submit them anyway.



HSH Call
Analysis.doc

3. How many more Cleveleys and Shobnall Road howlers exist in the HSH archive? Two out of two is a bit of a worry.
4. How long before Post Office realise that they cannot rely on HSH transcripts to counter claims made by Post Masters that they want to prosecute, or have to defend against claims of wrongful dismissal, and seek to recover settlement costs from Fujitsu?

I think this warrants a bit more thought.

Regards,

Jan Holmes

Programme Assurance

GRO

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