

# Leigh Day & Co

SOLICITORS

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Your Ref: Q100633H DNO 3B

Our Ref: JB SB CAAT P

Date: 8<sup>th</sup> April 2010

**By Email & DX:**

**David.northfield@tsol.gsi.gov.uk**

Dear Sirs,

**R (oao CAAT & Corner House)-v- Director of the Serious Fraud Office –  
CO/2734/10**

We write further to our respective letters of 29 March and the Notice of Renewal filed by the Claimants on 30 March 2010.

Our clients have carefully considered their position in light of your client's Acknowledgement of Service, the Order of Mr Justice Collins and the further correspondence between ourselves.

As you are aware, it was with some surprise that our clients learnt that your client did not consider, contrary to the clear impression given by its press release of 1 October 2009, that the evidential test set out in the Code for Crown Prosecutors was satisfied in relation to allegations of corruption against BAE Systems Plc (paragraphs 1-11 of the Summary Grounds). Our clients were particularly surprised and concerned by this statement of fact in view of the contrary impression that they were given in their meeting with the Director on 4 March 2010.

However, having considered the further correspondence on this issue, our clients are forced to conclude that their claim was brought on a premise which was founded on a misleading statement by your client. As a consequence of your client's recent clarification, our clients consider that there remains nothing to be gained from pressing the application for judicial review and now seek to withdraw their application.

In light of the concession at paragraph 11 of the Summary Grounds that the Defendant had "overstated the stage which had been reached" and the observations of Mr Justice Collins at paragraph 11 of the Order of 22 March, we

Martyn Day  
Anna Winyard  
Russell Lesy  
Sally Moore  
Frances Swaine  
Richard Stein  
Henry Dyson  
Oliver Lewin  
Sally Jean Nicholas

Sean Humber  
Bozena Michalowska - Hoppells  
Sapna Malik  
Sarah Campbell  
Alison Millar  
Nicola Wainwright  
Clare Egan  
Daniel Easton  
Richard Meeran

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trust that your client will agree to this matter being withdrawn by consent with no order as to costs.

We would also request that, as a gesture of good will, your client will pay the £40 fee on filing of the consent order.

Accordingly, we enclose a draft form of Consent for signature. We would be grateful if you would sign this off or revert to us with any proposed amendments as soon as possible. We will then forward it to the Interested Parties for their consent.

We look forward to hearing from you.

Yours faithfully,



**Leigh Day & Co**

Cc: Simon Slidders, Administrative Court Office  
Jonathan Hitchens, Allen & Overy  
Michael Hatchwell, Davenport Lyons

CO/2734/10

IN THE HIGH COURT OF JUSTICE  
QUEEN'S BENCH DIVISION  
ADMINISTRATIVE COURT

**B E T W E E N:**

**CAMPAIGN AGAINST ARMS TRADE**

First Claimant

and

**CORNER HOUSE RESEARCH**

Second Claimant

v

**DIRECTOR OF THE SERIOUS FRAUD OFFICE**

Defendant

**BAE SYSTEMS**

and

**COUNT ALFONS MENS DORFF-POUILLY**

Interested Parties

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**[DRAFT] CONSENT ORDER**

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**UPON** the refusal of permission to bring a judicial review by Mr Justice Collins in an Order dated 22 March 2010, the renewal of that application on a holding basis by the Claimants and subsequent decision of the Claimants not to seek to pursue the oral renewal of their application

**AND BY CONSENT**

**IT IS ORDERED THAT**

1. The claim be withdrawn
2. There be no order as to costs between the parties.

**DATED** the April 2010

BY THE COURT

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Solicitors for the First Interested Party

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