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**From:** Stewart McGarrity [Stewart.McGarrity@tie.ltd.uk]  
**Sent:** 16 April 2008 07:52  
**To:** Fitchie, Andrew  
**Subject:** RE: Deadline Thursday

Andrew,

Sorry to read that you are no weel!

I'll assume our 8am is not happening unless you turn up. Assuming you are well enough I would really like to catch up on the PCG v Infraco contract liability caps issue at sometime today. You name a time and I'll be available.

Stewart

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**From:** Fitchie, Andrew [mailto:Andrew.Fitchie@dlapiper.com]  
**Sent:** 16 April 2008 05:49  
**To:** Jim McEwan; geoff.gilbert.@tie.ltd.uk; Susan Clark  
**Cc:** Graeme Bissett; Stewart McGarrity; Horsley, Chris; Fitzgerald, Sharon; Glover, Joanne; Hoshal, Nikki  
**Subject:** Deadline Thursday

Ladies, Gents

I need to report with realism despite perhaps unpopularity.

. This is not intended to be a line-by-line on each aspect of the Suite. I know that individuals are galvanised and I thank all for this but I am concerned that there are inevitably errors/mis understandings creeping in during the paper tsunami.

Looking at the status of the documentation at the moment, I cannot say with honesty and confidence that we will be ready for dispatch of " Contract at Gold" by Thursday close. We still have a good many schedules which are at the "just about" stage. We have an Infraco core terms set and a Tramco set which will all close today, with a fair wind, but this represents close to 1,000 pages of contract documents (excluding schedules) that need to be as flawless as we can get them and has to be reissued today to BBS, after all drafting minutiae are completed and accepted by BBS legal.

There are various remaining actions and issue resolution outside tie's control which, even if BBS respond on today, will leave us (ie DLAP) no time whatsoever to carry out anything but a rudimentary QA on the entire suite. The Tramco suite is, like the Infraco suite, closing down rapidly in its last negotiations ratherthan sitting in a reviewable state.

If we dispatch to Germany on this basis I find it difficult to advise and predict the outcome ( given that Siemens in particular are looking for time) and I cannot judge whether the UK BBS legal team will agree to report that we have closed on a final and set of documentation. It would certainly offer BBS German Legal the opportunity to complain that the documents are too frail to commit to.

What it feels like to me at present-and what would, in my view, be the right position for tie - is that Monday is D day which would give Friday and the week end for legal QA completion.

This is DLAP having proper opportunity to review, as opposed to doing this, literally and individually, as we produce the documents which, in honesty, not legal QA.

Jim - on a personal note I have been ill for most of the night. Will be in for SDS absolutely as soon as I can. I will ask Chris to cover.

Kind regards  
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