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**From:** Fitchie, Andrew [Andrew.Fitchie@dlapiper.com]  
**Sent:** 22 August 2007 10:52  
**To:** Geoff Gilbert  
**Subject:** SDS Claim

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Geoff


Further to our conversation on the subject of **tie's** remedy should SDS fail to deliver the design deliverables on the agreed V18 programme dates, the intended triggers for release of settlement tranches 2, 3 and 4, at your para 3 *Payment of the Settlement Sum*, the insertion in the first line of the words "*pursuant to the terms of the SDS Contract*" after the words "*paid by tie*" should (i) put down an adequate marker that a failure to hit target dates will entail **tie** being at liberty to invoke its contractual remedies in relation to these lump sum payments and (ii) flag that this position will be made clear in the formal agreement.

If this is objected to, it will have flushed out that Parsons do not in fact accept the principle that the claim settlement is linked to satisfactory future performance.

As discussed the revisions I had proposed in your third last para (re PBN) would now form part of the separate reply to the August 7th letter from PB. I will have this out to you later this morning.

Kind regards

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