
From: Alan Coyle
Sent: 05 November 2010 09:36
To: Nick Smith; Bob McCafferty; Andy Conway; Carol Campbell
Subject: RE: Consultation Update

Here's hoping tie can prove their case then!

Regards

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From: Nick Smith
Sent: 05 November 2010 09:31
To: Bob McCafferty; Andy Conway; Carol Campbell; Alan Coyle
Subject: FW: Consultation Update

FYI

We do not want to set hares running so please treat this as very confidential and also as an interim view. However if this proves to be correct it may significantly change things.

Kind regards

Nick

Nick Smith
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Please note that I am not in the office on a Monday

From: Nick Smith
Sent: 05 November 2010 09:04
To: Donald McGougan; Dave Anderson
Cc: Carol Campbell; Alastair Maclean
Subject: Consultation Update

Sorry to disturb.

It was just to update you from last night's consultation with Richard Keen. The lawyers are now away analysing the position in depth, but the current view on something I had asked tie to check is that if tie fail to prove their case for termination then unless BSC opt to terminate the contract for tie Default then we may be left with an extant contract. The risk here is that until termination is

confirmed by a court there may be little we can do in terms of work as BSC could interdict or seek another court remedy. An early first decision would be possible in the Commercial Court (early 2011), but clearly this could be appealed.

This does not change the current view on termination. It does however potentially change the result should tie fail to prove its case and may affect current planning for post-termination.

Thought I had better let you both know asap. We'll come back once we have a definitive view.

Kind regards

Nick

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