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**From:** Dave Anderson  
**Sent:** 11 March 2010 17:30  
**To:** Tom Aitchison  
**Subject:** RE: URGENT - TEXT MESSAGES: DONALD ANDERSON

Tom Whilst Donald potentially could have put himself into a role where he could have brokered a coming together on the escalated issues I think he has compromised his position by taking this view on the adjudications and most likely having been involved in briefing the press. Bilfinger Berger are also clearly in breach of their contractual obligations having shown the adjudication information to Donald.

In any event you are right that we need to clarify Donald's status before committing to any discussions with him however informal. Dave

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**From:** Tom Aitchison  
**Sent:** 11 March 2010 08:08  
**To:** David Mackay  
**Cc:** Donald McGougan; Dave Anderson; Sheena Raeburn  
**Subject:** URGENT - TEXT MESSAGES: DONALD ANDERSON  
**Importance:** High

David

**TEXT MESSAGE: DONALD ANDERSON**

I received the following text messages from Donald Anderson at 7.05 pm:

"I've now seen three of the adjudications with my own eyes, including Russell Road. **tie** have unequivocally lost each one. If that is not what Dave Mackay and Richard are being told, it does beg the question why not? The release today is really quite extraordinary. I will try to catch up with Dave Mackay tomorrow to see if there is any common ground."

At 8.53 pm another text arrived:

"Tom, how about me linking up with Donald McGougan and trying to see if some of these issues can be resolved? That keeps it away from some of those under the most pressure and we can have a fairly dispassionate discussion. I have sent him a similar worded text."

Clearly, we will have to be proactive and put in place an arrangement to direct communications received from Donald Anderson. I am also minded to seek answers to the following questions:


- what degree of authority have BB invested in Donald Anderson?
- is he authorised to negotiate on the consortium's behalf?
- is he authorised to act as a facilitator, a honest broker, a go-between or what?

Let me know what you think.

Best wishes.

Tom

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