
From: Fitchie, Andrew
Sent: 07 April 2008 08:16
To: 'willie.gallagher@tie.ltd.uk'
Subject: Re: Cow Corner v TIE

Willie

Unfortunately, there is a reason for this which lies ultimately with how tie project management wanted to proceed on MUDFA- which was essentially with as little CEC involvement as possible.

Kind regards
Andrew Fitchie
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----- Original Message -----

From: Willie Gallagher <Willie.Gallagher@tie.ltd.uk>
To: Colin Hutton <Colin.Hutton@dundas-wilson.com>; Colin McLauchlan <Colin.McLauchlan@tie.ltd.uk>; Mike Connelly <Mike.Connelly@tie.ltd.uk>; Graeme Bissett <Graeme.Bissett@tie.ltd.uk>; Graeme Bissett (external contact) <graeme.bissett@[REDACTED]>; Fitchie, Andrew
Cc: Trudi Craggs <Trudi.Craggs@dundas-wilson.com>; Ann Faulds <Ann.Faulds@dundas-wilson.com>; Lorna Sibbald <Lorna.Sibbald@dundas-wilson.com>; Graham Middleton <Graham.Middleton@dundas-wilson.com>; Gill Lindsay <Gill.Lindsay@edinburgh.gov.uk>; Colin McLauchlan <Colin.McLauchlan@tie.ltd.uk>; Andrew Holmes <Andrew.Holmes@edinburgh.gov.uk>
Sent: Sun Apr 06 20:31:23 2008
Subject: RE: Cow Corner v TIE

Colin,

I have reflected on the predicament. Please go ahead and instruct the local agent, I see no reasonable alternative.

For the avoidance of doubt, I am extremely troubled that I find myself in this position. Given all the legal advice tie has been involved with since the conception of the project, for us not to be convinced that we are acting under statutory powers for MUDFA is almost beyond comprehension.

I will pick up with the team on Monday / Tuesday, and we will then work hard to ensure that the necessary audit trail for Governance is robust and in place.

Regards,

Willie

From: Colin Hutton [mailto:Colin.Hutton@dundas-wilson.com]
Sent: 04 April 2008 16:23
To: Willie Gallagher; Colin McLauchlan; Mike Connelly; Graeme Bissett; Graeme Bissett (external contact)
Cc: Trudi Craggs; Ann Faulds; Lorna Sibbald; Graham Middleton
Subject: Cow Corner v TIE

Willie,

As Lorna mentioned, I shall be supervising this matter next week.

As regards the hearing on Tuesday the recommended strategy is to instruct a local agent to appear to fix a further hearing at which the Sheriff will hear parties arguments before determining the claim. The hearing on Tuesday is procedural in nature and I agree with Lorna that representation by TIE at the hearing or even D&W would be unusual and of itself may attract comment. Instructing a local agent is therefore entirely consistent with what would normally happen at this stage in the Summary Cause Procedure and indeed is the most costs effective manner in which to deal with the hearing. Instructing a local agent also provides the advantage of placing a legitimate buffer between ourselves and the Court at this stage in the event that discussion before the Sheriff moves to the question of statutory authority. We shall, of course, ensure that the local agent is appropriately briefed for the hearing.

You indicated that you wish to consider this over the weekend. It would be helpful to instruct the local agent on Monday morning and I'd be grateful if you could revert to me then.

I understand that Trudi is corresponding with you separately on the issue of reviewing the draft Operating Agreement.

If you have any queries, please call.

Regards

Colin Hutton
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