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**From:** Fitchie, Andrew  
**Sent:** 26 November 2009 13:59  
**To:** 'Gill Lindsay'  
**Subject:** RE: Gogarburn and Carrickknowe Bridges

Gill

**Time limits**

1. There are no time limits imposed by the contract so that the only time limit ( on either application for judicial review or application for a declaratory judgement) would at law and therefore not threatening at present.

2. Queen's Counsel has been provisional instructed. tie are consider their approach.

3. There is no written opinion on the outcome of the adjudication from McGirgors (in the challenge seat) but a presentation on this was given on Monday by Brandon Nolan. Tie are also considering this view which differs from ours in terms of analysis of the adjudicator's' findings (primarily about whether the adjudicator's view on the construction of the contract is a sustainable one and how one determines what is normal design development but does not differ from our view of the adjudicator;'s view on the expert evidence.

As you see our view on challenge centres on the fact that the adjudicator made findings based on a construction of the contract that neither party put forward.

kind regards


**Andrew Fitchie**  
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**From:** Gill Lindsay [<mailto:Gill.Lindsay@edinburgh.gov.uk>]  
**Sent:** 26 November 2009 13:32  
**To:** Fitchie, Andrew  
**Subject:** RE: Gogarburn and Carrickknowe Bridges

Andrew

Thank you. Re the strong recommendation that grounds/merits in respect of challenge of the Adjudicators decision be explored with Counsel , can you advise if this has been considered and any decision on initiation of this and any time limits applicable please.

Thanks

Gill

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**From:** Fitchie, Andrew [<mailto:Andrew.Fitchie@dlapiper.com>]  
**Sent:** 26 November 2009 10:00  
**To:** Gill Lindsay  
**Subject:** Gogarburn and Carrickknowe Bridges

**Confidential and FOISA Exempt**


Gill

CEC00851367\_0001

here are the two adjudication awards and our note.

kind regards

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