

**Gill Lindsay**

**From:** Colin MacKenzie  
**Sent:** 27 July 2009 10:21  
**To:** Gill Lindsay  
**Cc:** Mandy Wilson  
**Subject:** FW: Tram DRP issues  
**Importance:** High

Gill,

Please see below for the latest update on DRP matters.

You also asked about Building Fixings. I had a very worthwhile meeting last week with City Development and tie where we resolved a number of outstanding technical and engineering matters which have to be covered in the Summary Applications to the Sheriff. The additional information I have been looking for is available and I am now making the final drafting adjustments to the Summary Applications. I have agreed with Andy Conway that he will make one final review of these, ensuring I have encapsulated the technical points, and then I will lodge them with the Sheriff Clerk for a warrant. The only other step I need to be satisfied on is closing out a couple of outstanding lines of correspondence with solicitors representing three of the owners. Tactically I would want to close that correspondence just before I lodge the writs at Court.

With reference to the drafting of the Council report for 20 August, I have not made a contribution as yet to that. I have made comments on the paper which is up for discussion at this morning's IPG.

Ron Handley has been in touch with the Company Secretary for TEL and Lothian Buses, progressing various strands of work called for by Council in April. It may be possible to include an update on that for the August report.

Regards,

Colin MacKenzie  
for Council Solicitor  
City Chambers  
Edinburgh

Tel: [REDACTED]

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**From:** Jordan, Stuart [mailto:Stuart.Jordan@dlapiper.com]  
**Sent:** 24 July 2009 18:55  
**To:** Colin MacKenzie  
**Cc:** Fitchie, Andrew  
**Subject:** Tram DRP issues

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Dear Colin,

Thanks for your email. I agree there may not be much to say which is new, as you have spoken to Marshall Poulton, but I am happy to summarise the current position:

By way of background, although you are probably aware, we have been examining the various potential DRP matters which might be taken forward into formal process. We gathered them together with other steps which tie might take under the contract including making selective use of the Audit provisions, notice of remediable breach etc. Together they come to 18 "cases" under examination.

The past 2 weeks have been spent mostly in further preparing the individual cases with a view to running them or some of them. Most of them are subject of DLA and Counsel advice notes on their legal aspects - some of which we are still drafting and updating. We additionally have identified in each case the information which we (DLA) have and don't have on the factual, technical (including programme) and financial aspects. That allows us to swap notes with the