
From: Anthony Rush [rush_aj@[REDACTED]]
Sent: 03 June 2010 09:03
To: 'Fitchie, Andrew'
Cc: david_mackay@[REDACTED]; Richard Jeffrey; 'Glover, Joanne'
Subject: RE: PB
Attachments: DRAFT LETTER TO Nick Flew(3).docx

Sorry

From: Fitchie, Andrew [mailto:Andrew.Fitchie@dlapiper.com]
Sent: 03 June 2010 08:25
To: Anthony Rush
Cc: david_mackay@[REDACTED]; Richard Jeffrey; Glover, Joanne
Subject: RE: PB


Legally privileged and FOISA Exempt

Tony - thanks

Only remaining question on this is: which **tie**-BSC letter are you sending to Mr Flew? Could this be paraphrased, rather than copied? Then there can be no complaint from BSC about **tie** meddling with their subcontract relationships (in the same way as BSC try to interfere with CEC-**tie** link).

kind regards

Andrew S. Fitchie
Partner, Location Head Finance & Projects
DLA Piper Scotland LLP
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 Please consider the environment before printing my email

From: Anthony Rush [mailto:rush_aj@[REDACTED]]
Sent: 02 June 2010 20:21
To: Fitchie, Andrew
Cc: david_mackay@[REDACTED]; 'Richard Jeffrey'; Glover, Joanne
Subject: RE: PB

Andrew

Re-drafted to suit.

From: Fitchie, Andrew [mailto:Andrew.Fitchie@dlapiper.com]
Sent: 02 June 2010 16:23
To: Anthony Rush
Cc: david_mackay@[REDACTED]; Richard Jeffrey; Glover, Joanne
Subject: RE: PB

Legally privileged and FOISA Exempt

Tony

My initial comments (subject to check on case law on the effect of erroneous disclosure of information) are:

1. Slander not an issue unless it is verbal, but defamation is potentially. Para four in the draft does carry a clear inference of collusion by BSC and SDS against **tie's** interests; we should assume that this letter would be shared with BSC and its advisers on the basis that **tie** would have been communicating direct with Infraco's supplier.

The para does therefore have the potential to trigger a response from the Infraco that **tie** has attacked and defamed their reputation and the defences of truth, fair comment, reasonable opinion and in the public interest would rest on how clearly and fairly **tie** can be said to have drawn inferences from the intercepted e-mail traffic. A more conservative way of using the intercept would perhaps be to confront both SDS and BSC at the same meeting with the information and ask them to explain it and confirm if there is such an agreement. Legal advice which is included in that exchange is very clearly confidential as between BSC and Pinsent Masons. That confidentiality was not necessarily waived by the error of copying it to **tie** and so - were **tie** to discuss the information with SDS direct, in my view, that would be a breach of the Confidentiality provisions, in that the legal advice belongs to BSC, not to SDS.

2. If Parsons believe that they are blameless and have not in fact entertained entering into an agreement, then mentioning it in your letter in order to bring PB to the table on 'On Street' design may not be as powerful as it might seem.

kind regards


Andrew S. Fitchie
Partner, Location Head Finance & Projects

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 Please consider the environment before printing my email

From: Anthony Rush [mailto:rush_aj@[REDACTED]]
Sent: 02 June 2010 14:32
To: Fitchie, Andrew
Cc: david_mackay@[REDACTED]; Richard Jeffrey
Subject: PB

Andrew

Maybe "put the cat amongst the pigeons" – David's and Richard's call.

Am I in danger of slander?

Tony

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Bow Tel [REDACTED]
Mobile [REDACTED]
email [rush_aj@\[REDACTED\]](mailto:rush_aj@[REDACTED])

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