
From: Fitchie, Andrew
Sent: 22 June 2010 00:22
To: 'rush_aj@[REDACTED]'
Subject: Re: DRP's

Understood
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From: Anthony Rush <rush_aj@[REDACTED]>
To: Fitchie, Andrew; 'Richard Jeffrey' <Richard.Jeffrey@tie.ltd.uk>
Sent: Mon Jun 21 22:05:43 2010
Subject: RE: DRP's

Thanks Andrew. I am more concerned about the questions which one day may be asked of Richard, you and even me – “why did you keep losing?”.

Tony

From: Fitchie, Andrew [mailto:Andrew.Fitchie@dlapiper.com]
Sent: 21 June 2010 20:59
To: Anthony Rush; Richard Jeffrey
Subject: RE: DRP's

Tony

1. I am at one on with you on INTC 109 and the 80.13/34.1, so far as team is concerned. Following that Level 2 meeting, Bruce and I had discussed this and agreed that we would support Brandon wherever necessary and this happened to get the Position paper away with McG's input. I had also re stated this to Brandon.


I am not certain how the question of management of this came up again but I know Steven is on the case. We will deliver any handover etc needed but I am not sure there is much at this point.

2. So far MUDFA REV 8 is concerned, I am not sure that this DRP has contained any 'slam' dunk arguments on the legal front -so that using this as a yard stick on success/failure down to case prep. or presentation would be a difficult call for me to embrace.

3. Lastly, as mentioned to Stewart this morning I have request our UK Constrcution litigation Head to tool up DLA Piper resource in anticipation of post Notice (if this happens) as a natural extension of the consultation with Richard Keen. There is a call tomorrow at 10.30am to arrange dates for the relevant partner to come in to meet tie senior management

kind regards

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From: Anthony Rush [mailto:rush_aj@[REDACTED]]
Sent: 21 June 2010 20:45
To: Richard Jeffrey
Cc: Fitchie, Andrew
Subject: DRP's

Richard,

I was amazed and concerned to hear that there is any doubt that Brandon is doing the 80.13/34.1 DRP. You were clear at the last Level 2 meeting is giving that instruction – Andrew is also clear about that.

Despite what was said this evening we are achieving in our battle against BSC. We have strengthened our position against them. But if we lose the 80.13/34.1 argument it is going to turn the tide back.

Andrew knows and accepts my view that we must change what is a losing side (we know that the games may have been stacked against our team) and we must give Brandon the job of proving what he says and what he has obtained high quality counsel on. I would even go as far as saying if we lose MUDFA 8 you should look to the whole strategy and DRP team.

Tony

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