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**From:** Jim McEwan  
**Sent:** 04 April 2008 14:44  
**To:** Fitchie, Andrew  
**Subject:** RE: Schedules meeting Monday

Andrew

Very kind and I'm not in the least suspicious about your compliment and nor should you be about mine, it was genuine.

j

-----Original Message-----

**From:** Fitchie, Andrew [mailto:Andrew.Fitchie@dlapiper.com]  
**Sent:** 04 April 2008 14:41  
**To:** Jim McEwan  
**Subject:** RE: Schedules meeting Monday

Suspiciously pleasant and complimentary.

Before I get the head down again - on a personal front your fresh energy over the last three months has, in my view , made the difference between stalemate and terminal deal fatigue and getting there.

Phil is off to the Great Sands as of tomorrow so it will Horsley , Sharon and me that go for the throat next week.

Kind regards

-----Original Message-----

**From:** Jim McEwan [mailto:Jim.McEwan@tie.ltd.uk]  
**Sent:** 04 April 2008 14:35  
**To:** Fitchie, Andrew  
**Subject:** RE: Schedules meeting Monday

Andrew

Excellent, and for the record I think the quality of the work being done by DLA is exemplar and your own efforts to boot.

Kind regards

Jim

-----Original Message-----

**From:** Fitchie, Andrew [mailto:Andrew.Fitchie@dlapiper.com]  
**Sent:** 04 April 2008 14:32  
**To:** Jim McEwan  
**Subject:** RE: Schedules meeting Monday

Jim

I need a little time to regroup and report, as well as handle various requests from other to supply them with papers or keep them straight on where we are etc. and the like and carry out our own drafting exercise to close out quite difficult technical points without making mistakes as well as formulate the words around agreements finally reached on points after having had meetings.

Many schedules are in other people's control. Once they say finished we will go.

It has not quite reached the stage of mechanisitical collation and dispatch on the entirety of the suite. That is what Saturday and Sunday are for so that, come Monday, there will be documents good to go.

Kind regards

-----Original Message-----

From: Jim McEwan [mailto:Jim.McEwan@tie.ltd.uk]  
Sent: 04 April 2008 13:22  
To: Fitchie, Andrew  
Subject: FW: Schedules meeting Monday

Andrew

Re attached there are now a number of schedules completed and hopefully most will be by end of play Monday, do we have final form draftings of all of these? We need to start shipping these to the respective legal teams for final review, in staged fashion as agreed.

Can you advise.

Regards

Jim

-----Original Message-----

From: Jim McEwan  
Sent: 04 April 2008 13:04  
To: 'LAING Ian'; Philip.Hecht@dlapiper.com; Steven Bell; Dennis Murray; Bob Dawson; OWENS Christopher; Scott.McFadzen@bilfinger.co.uk; Stewart McGarrity; BARR Stuart; MOIR Suzanne; 'Tom.Murray@bilfinger.co.uk'; Geoff Gilbert  
Cc: Andrew.Fitchie@dlapiper.com; flynn.michael@siemens.com; Richard.Walker@bilfinger.co.uk; herbert.fettig@siemens.com; MOIR Suzanne; mgallagher@biggartbaillie.co.uk; daniel.haeussermann@bilfinger.de; Christian.Korf@bilfinger.de; Neil Amner; Willie Gallagher; Graeme Bissett (external contact); Susan Clark  
Subject: Schedules meeting Monday

All

We plan to meet on Monday at 9:15am to late in the Brunel Room Citypoint to close out items on the as yet unagreed schedules (see attached), can I ask that the attached is reviewed carefully by all parties on this list, for actions arising, prior to Monday.

Agenda for Monday 7th April 2008

1. Review of schedule status
2. Issues Review
3. AOB

\*Note: In reviewing the schedule status we will look to allocate individual schedules to sub-groups to pursue and report back by end of day. There will be a mainstream commercial group in the Brunel room looking to resolve such commercial issues as remain.

Regards

Jim McEwan

-----Original Message-----

From: LAING Ian [mailto:Ian.Laing@pinsentmasons.com]

Sent: 04 April 2008 12:23

To: LAING Ian; Philip.Hecht@dlapiper.com; Steven Bell; Dennis Murray; Bob Dawson; OWENS Christopher; Scott.McFadzen@bilfinger.co.uk; Stewart McGarrity; BARR Stuart; MOIR Suzanne

Cc: Jim McEwan; Andrew.Fitchie@dlapiper.com; flynn.michael@siemens.com; Richard.Walker@bilfinger.co.uk; herbert.fettig@siemens.com; MOIR Suzanne;

mgallaher@biggartbaillie.co.uk; daniel.haeussermann@bilfinger.de;

Christian.Korf@bilfinger.de; Neil Amner

Subject: RE: Schedule 4

ALL

Please find attached the latest version of Schedule 4.

Please note that in my absence on annual leave Stuart Barr will be leading the PM side on this.

Happily, there is not much remaining to be done to close out this schedule.

The "front end" of the Schedule is agreed between BBS and tie although it is subject to the following points:

(i) Dennis and Scott/Tom to agree definition of Accommodation Works to replace the current definition;

(ii) tie and BBS to agree the figures in the definition of "Contract Price". There is a commercial issue here on the mark-up to the SDS Price;

(iii) there are a couple of cross references to be completed (cross references generally require checking) when the Infraco Contract is completed and the Schedule Part 15 (Programme) completed.

(iv) generally the "checks" set out in the footnotes need to be confirmed.

In relation to the Appendices:

(a) Dennis Murray is to prepare Appendix 1

(b) Steve Sharp and Tom Hickman are to agree the provisional durations for Appendix B, Table 1;

(c) tie and BBS (Siemens) to agree the position on VE items 3, 8, 14 and 25. The total VE amount to be checked against the sum of the items.

(d) Appendix F (Schedule of Rates) to be agreed between Dennis and Tom Murray.

(e) Appendix G - there is an outstanding point in relation to site related overhead. Dennis and Tom/Scott to agree. Note the current drafting is probably correct provided Dennis is happy with his review of the prelims breakdown.

(f) The Network Rail Immunisation drafting (Appendix H) simply needs to be slotted in at Appendix I. (Stuart Barr - please note that Neil Amner should be able to provide this to us. It is understood that the drafting is agreed).

Ian Laing  
Partner  
Pinsent Masons LLP

DDI [REDACTED]  
Mobile [REDACTED]  
Internal Ext - [REDACTED]

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-----Original Message-----

From: LAING Ian  
Sent: 02 April 2008 17:13  
To: LAING Ian; 'Philip.Hecht@dlapiper.com'; 'Steven.Bell@tie.ltd.uk';  
'Dennis.Murray@tie.ltd.uk'; 'Bob.Dawson@tie.ltd.uk'; OWENS Christopher;  
'Scott.McFadzen@bilfinger.co.uk'; 'Stewart.McGarrity@tie.ltd.uk'  
Cc: 'Jim.McEwan@tie.ltd.uk'; 'Andrew.Fitchie@dlapiper.com'; 'flynn.michael@siemens.com';  
'Richard.Walker@bilfinger.co.uk'; 'herbert.fettig@siemens.com'; MOIR Suzanne;  
'mgallagher@biggartbaillie.co.uk'; Atkins, Chris  
Subject: RE: Schedule 4

Please find attached the latest draft of Schedule 4 for discussion (and hopefully final resolution) tomorrow.

Regards

Ian Laing  
Partner  
Pinsent Masons LLP

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-----Original Message-----

From: LAING Ian  
Sent: 01 April 2008 07:59  
To: LAING Ian; 'Philip.Hecht@dlapiper.com'; 'Steven.Bell@tie.ltd.uk';  
'Dennis.Murray@tie.ltd.uk'; 'Bob.Dawson@tie.ltd.uk'; OWENS Christopher;  
'Scott.McFadzen@bilfinger.co.uk'; 'Stewart.McGarrity@tie.ltd.uk'  
Cc: 'Jim.McEwan@tie.ltd.uk'; 'Andrew.Fitchie@dlapiper.com'; 'flynn.michael@siemens.com';  
'Richard.Walker@bilfinger.co.uk'; 'herbert.fettig@siemens.com'; MOIR Suzanne;  
'mgallagher@biggartbaillie.co.uk'  
Subject: Re: Schedule 4

Phil

I would be grateful if you could arrange for a projector to be available for today's meeting. I am keen that we don't leave until this is agreed and I think this is the most effective way.

I appreciate that you don't yet have the Network Rail immunisation drafting. Hopefully we will get that this morning, agree it today and slot it in.

Regards

Ian Laing  
Partner  
Pinsent Masons LLP

DDI [REDACTED]  
Mobile [REDACTED]

Internal Ext - [REDACTED]

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----- Original Message -----

From: LAING Ian

To: LAING Ian; 'Philip.Hecht@dlapiper.com' <Philip.Hecht@dlapiper.com>;  
'Steven.Bell@tie.ltd.uk' <Steven.Bell@tie.ltd.uk>; 'Dennis.Murray@tie.ltd.uk'  
<Dennis.Murray@tie.ltd.uk>; 'Bob.Dawson@tie.ltd.uk' <Bob.Dawson@tie.ltd.uk>; OWENS  
Christopher; 'Scott.McFadzen@bilfinger.co.uk' <Scott.McFadzen@bilfinger.co.uk>;  
'Stewart.McGarrity@tie.ltd.uk' <Stewart.McGarrity@tie.ltd.uk>

Cc: 'Jim.McEwan@tie.ltd.uk' <Jim.McEwan@tie.ltd.uk>; 'Andrew.Fitchie@dlapiper.com'  
<Andrew.Fitchie@dlapiper.com>; 'flynn.michael@siemens.com' <flynn.michael@siemens.com>;  
'Richard.Walker@bilfinger.co.uk' <Richard.Walker@bilfinger.co.uk>;  
'herbert.fettig@siemens.com' <herbert.fettig@siemens.com>; MOIR Suzanne;  
'mgallagher@biggartbaillie.co.uk' <mgallagher@biggartbaillie.co.uk>

Sent: Mon Mar 31 10:20:44 2008

Subject: RE: Schedule 4

Steven/Jim

Please can you let me have confirmation that the position on the Notified Departure in relation to the Design Delivery Programme is understood and agreed by tie.

Regards

Ian Laing  
Partner  
Pinsent Masons LLP

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-----Original Message-----

From: LAING Ian

Sent: 26 March 2008 16:23

To: 'Philip.Hecht@dlapiper.com'; 'Steven.Bell@tie.ltd.uk'; 'Dennis.Murray@tie.ltd.uk';  
'Bob.Dawson@tie.ltd.uk'; OWENS Christopher; 'Scott.McFadzen@bilfinger.co.uk';  
'Stewart.McGarrity@tie.ltd.uk'

Cc: 'Jim.McEwan@tie.ltd.uk'; 'Andrew.Fitchie@dlapiper.com'; 'flynn.michael@siemens.com';  
'Richard.Walker@bilfinger.co.uk'; 'herbert.fettig@siemens.com'; MOIR Suzanne;  
'mgallagher@biggartbaillie.co.uk'

Subject: Re: Schedule 4

Stephen/Jim

As we discussed earlier today, the Design Delivery Programme that will be v28. The Pricing Assumption in Schedule 4 of the Infraco Contract assumes that the Design Delivery Programme will not change from v26. It follows that there is the possibility that there will be an immediate Notified Departure on contract execution. Given the unusual position that we are in, please can you confirm that this is understood and agreed by tie.

Many thanks

Ian.

Ian Laing  
Partner  
Pinsent Masons LLP

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Internal Ext - [REDACTED]

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Sent from my Blackberry wireless device

----- Original Message -----

From: Hecht, Philip <Philip.Hecht@dlapiper.com>  
To: LAING Ian; Steven Bell <Steven.Bell@tie.ltd.uk>; Dennis Murray <Dennis.Murray@tie.ltd.uk>; Bob Dawson <Bob.Dawson@tie.ltd.uk>; OWENS Christopher; Scott McFadzen <Scott.McFadzen@bilfinger.co.uk>; Stewart McGarrity <Stewart.McGarrity@tie.ltd.uk>  
Cc: Jim McEwan <Jim.McEwan@tie.ltd.uk>; Fitchie, Andrew <Andrew.Fitchie@dlapiper.com>; flynn.michael@siemens.com <flynn.michael@siemens.com>; Richard Walker <Richard.Walker@bilfinger.co.uk>; herbert.fettig@siemens.com <herbert.fettig@siemens.com>; MOIR Suzanne; mgallaher@biggartbaillie.co.uk <mgallaher@biggartbaillie.co.uk>  
Sent: Wed Mar 26 11:34:22 2008  
Subject: RE: Schedule 4

Thank you Ian - I will action this.

Kind regards.

Phil

Philip Hecht  
Solicitor  
DLA Piper Scotland LLP  
T [REDACTED]  
M [REDACTED]  
F + 44 (0)131 242 5562

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From: LAING Ian [mailto:Ian.Laing@pinsentmasons.com]  
Sent: 26 March 2008 11:26  
To: Hecht, Philip; Steven Bell; Dennis Murray; Bob Dawson; OWENS Christopher; Scott McFadzen; Stewart McGarrity  
Cc: Jim McEwan; Fitchie, Andrew; flynn.michael@siemens.com; Richard Walker; herbert.fettig@siemens.com; MOIR Suzanne; mgallaher@biggartbaillie.co.uk  
Subject: RE: Schedule 4

ALL

Please find an updated version of Schedule 4 following the meeting yesterday. Happily this is nearing completion.

I have updated the version last issued by Phil. I do now have a copy of the hard copy version placed on the table yesterday but don't have time before going to the SDS meeting to update the amendments onto that version.

Phil, would it be possible for you to arrange this?

Appendix J (NR Immunisation to follow).

Regards  
Ian Laing  
Partner  
Pinsent Masons LLP

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From: Hecht, Philip [mailto:Philip.Hecht@dlapiper.com]  
Sent: 20 March 2008 17:42  
To: Steven Bell; Dennis Murray; Bob Dawson; LAING Ian; OWENS Christopher; Scott McFadzen; Stewart McGarrity  
Cc: Jim McEwan; Fitchie, Andrew; flynn.michael@siemens.com; Richard Walker; herbert.fettig@siemens.com  
Subject: Schedule 4

All

Please find attached Schedule 4 as agreed today on screen. Please note the various actions on both sides, as footnoted, to bring this document to a close.

Thank you all for a productive session.

Kind regards.

Phil

<< 18356745\_1\_UKMATTERS(Schedule 4 - 20.3.08).DOC>>

Philip Hecht  
Solicitor  
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