
From: Willie Gallagher
Sent: 01 April 2008 12:25
To: nrenilson@lothianbuses.co.uk; david_mackay@[REDACTED] Phil Wheeler ; ricky.henderson@edinburgh.gov.uk; Alan.jackson@edinburgh.gov.uk; Tom Buchanan
Subject: FW: Cow Corner Cricket Ltd v TIE Ltd
Attachments: PRACTICE-#7815811-v1-Defences.DOC; PRACTICE-#7815848-v2-Defences_-_Paper_Apart.DOC; PRACTICE-#7817160-v1-Statement_of_Claim.PDF

FYI,

A couple of weeks ago, we received notification of a claim for economic loss by the small Business. We have met with them to discuss their issues but it now looks like we are going to the small claims court. If you wish to discuss, please give me a call.

Willie

From: Graham Middleton [<mailto:Graham.Middleton@dundas-wilson.com>]
Sent: 31 March 2008 12:52
To: Willie Gallagher; Colin McLauchlan; Mike Connelly; Alasdair Sim
Cc: Lorna Sibbald; Claire Connachan; Jane Fender
Subject: Cow Corner Cricket Ltd v TIE Ltd

All,

Please find attached draft defences, together with a copy of Cow Corner's statement of claim. We will need to lodge the defences in court by tomorrow so I should be grateful for any comments you may have by tomorrow morning. In particular, I should be grateful for your confirmation on the following:

1. Did the works commence on Leith Walk in August 2007?
2. Is the main contractor carrying out the works on Leith Walk Alfred McAlpine? If so, is there an agreement between TIE and McAlpine in relation to these works?
3. Are there any other contractors or sub-contractor's involved in the works?
4. Is it true that the only ways in which access to Brunswick Street has been impeded since the commencement of the works has been by a) the narrowing of the carriageways on Leith Walk and b) the prevention of vehicles turning right into Brunswick St? If so, has the access been impeded in this way since the start of the works?
5. Does the scaffolding in front of Cow Corner's premises relate to the works or is it entirely unrelated? Do you know roughly how long it has been there?
6. Have the works reduced the availability of car parking in the vicinity of Cow Corner's shop?
7. Do you know roughly how long Cow Corner have been trading on Leith Walk and where they relocated from?
8. Do you know roughly how far back Cow Corner's shop is from Leith Walk?
9. Which parties were responsible for creating the Small Business Support Scheme? I have included Edinburgh City Council, the Lothian Assessor and Edinburgh Chambers of Commerce but please let me know if any names should be added to, or withdrawn from, this list.

You will note that I have not included any statutory authority defence. We would need to see the Operating Agreement between the Council and TIE, and any related documentation, before we are able to determine whether TIE can make use of such a defence. If you are able to provide me with a copy it may be that I can include this defence as well.

Kind regards

<<PRACTICE-#7815811-v1-Defences.DOC>> <<PRACTICE-#7815848-v2-Defences_-_Paper_Apart.DOC>>
<<PRACTICE-#7817160-v1-Statement_of_Claim.PDF>>

Graham Middleton

Solicitor

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