
From: Steven Bell [Steven.Bell@tie.ltd.uk]
Sent: 26 January 2010 18:09
To: Fitchie, Andrew
Cc: Bentley, Bruce; Kilburn, Keith; Stewart McGarrity
Subject: RE: Balgreen Road and Baird Drive Retaining Walls DRPs

Follow Up Flag: Follow up
Flag Status: Flagged

Andrew

Thank you for the response. I will call to discuss and catch up with Bruce tomorrow. . I would not want to trouble Richard or Tony at this time. Speak this evening.

Steven

Steven Bell
Edinburgh Tram Project Director

tie Limited
Citypoint
65 Haymarket Terrace
Edinburgh EH12 5HD

Tel: +44 (0) [REDACTED]
Fax: +44 (0) [REDACTED]

Email: steven.bell@tie.ltd.uk

For more information on the Edinburgh Tram Project, visit www.edinburghtrams.com

From: Fitchie, Andrew [<mailto:Andrew.Fitchie@dlapiper.com>]
Sent: 26 January 2010 17:23
To: Steven Bell
Cc: Bentley, Bruce; Kilburn, Keith; Stewart McGarrity
Subject: Balgreen Road and Baird Drive Retaining Walls DRPs

Legally privileged and FOISA exempt

Steven


Bruce and I have spoken about this. We are agreed that the approach taken in the Position papers is the correct one for these two DRPs which are essentially about the valuation of Approval Body/Specified exclusion INTCs.. Unless there is an overriding principle that SBC should be confronted on this contractual topic in all DRPs, these are not the disputes to go head to head on Schedule Part 4 para 3.4.1.1/3 arguments again or with the "commercial nonsense" jurisprudence. We do not consider that not running the full Schedule PArt4 interpretations in these tow will set up prejudice against tie running the argument in either future DRPs or court action. Happy to talk to Tony/Richard on this, if required tomorrow.

We are in agreement that there is definitely a course of action open to **tie** to have the interpretation of Schedule Part 4 litigated, include this useful argument.

Bruce is planning to reach you tomorrow before launch of the Position Papers.

kind regards

Andrew Fitchie
Partner, Finance & Projects
DLA Piper Scotland LLP
T: +44 [REDACTED]
M: +44 [REDACTED]
F: +44 [REDACTED]

 Please consider the environment before printing my email

This email is from DLA Piper Scotland LLP.

The contents of this email and any attachments are confidential to the intended recipient. They may not be disclosed to or used by or copied in any way by anyone other than the intended recipient. If this e mail is received in error, please contact DLA Piper Scotland LLP on +44 (0) 8700 111111 quoting the name of the sender and the email address to which it has been sent and then delete it.

Please note that neither DLA Piper Scotland LLP nor the sender accepts any responsibility for viruses and it is your responsibility to scan or otherwise check this email and any attachments.

DLA Piper Scotland LLP is a limited liability partnership registered in Scotland (registered number SO300365), which provides services from offices in Scotland. A list of members is open for inspection at its registered office and principal place of business Rutland Square, Edinburgh, EH1 2AA. Partner denotes member of a limited liability partnership.

DLA Piper Scotland LLP is regulated by the Law Society of Scotland and is a member of DLA Piper, an international legal practice, the members of which are separate and distinct legal entities. For further information, please refer to www.dlapiper.com.

The information transmitted is intended only for the person to whom it is addressed and may contain confidential and/or privileged material. If you are not the intended recipient of this e-mail please notify the sender immediately at the email address above, and then delete it.

E-mails sent to and by our staff are monitored for operational and lawful business purposes including assessing compliance with our company rules and system performance. TIE reserves the right to monitor emails sent to or from addresses under its control.

No liability is accepted for any harm that may be caused to your systems or data by this e-mail. It is the recipient's responsibility to scan this e-mail and any attachments for computer viruses.

Senders and recipients of e-mail should be aware that under Scottish Freedom of Information legislation and the Data Protection legislation these contents may have to be disclosed to third parties in response to a request.

tie Limited registered in Scotland No. SC230949. Registered office - City Chambers, High Street, Edinburgh, EH1 1YT.
