
From: Anthony Rush <rush_aj@[REDACTED]>
Sent: 26 August 2010 08:03
To: 'Fitchie, Andrew'
Cc: david_mackay@[REDACTED]; Richard Jeffrey; Jim Molyneux
Subject: RE: Carlisle

Thanks Andrew

I didn't know this – we need to talk about its significance later. My immediate thoughts are that it doesn't matter who prepared the ER's.

Blair told me last night that Walker had told him that he now wishes he had stuck to his guns and refused to accept PB as designer.

Clearly we are pressing a raw nerve here and it will no doubt prove an important lever. You will see that EK wants to talk about SDS.

When I referred to “relative inexperience” I was referring to the fact that they have little or no experience of old fashioned contracting. They have worked in the privately or EU funded infrastructure market. Here we are in a “dog-fight” of the sort we all worked in up to the late seventies. To get them through this we will have to lead them – maybe through EK but I am not certain he understands.

Tony

From: Fitchie, Andrew [mailto:Andrew.Fitchie@dlapiper.com]
Sent: 25 August 2010 22:38
To: rush_aj@[REDACTED]
Subject: Re: Carlisle

One further thought: History

Tie was on the brink of sacking SDS in early 2006. They were very far behind and product was not thought to be complaint. Their project Director David Hutchison was replaced along with others. They co-located for a period of time with tie to try to speed up design approvals. Nothing improved. By mid 2007, tie had taken the development of the ERs off them.

This may be what Ed is referring to since it resulted in Steve Reynolds asserting in Dec 2007 that the design could not be warranted to deliver the ERs since SDS did not recognise the ERs as their product any more.

A

Andrew Fitchie
Partner
DLA Piper Scotland LLP
T: [REDACTED]
M: [REDACTED]
F: [REDACTED]

From: Anthony Rush <rush_aj@[REDACTED]>
To: Fitchie, Andrew
Cc: Richard.Jeffrey@tie.ltd.uk <Richard.Jeffrey@tie.ltd.uk>; david_mackay@[REDACTED]
<david_mackay@[REDACTED]>; psmith@[REDACTED] <psmith@[REDACTED]>

Sent: Wed Aug 25 22:25:44 2010
Subject: RE: Carlisle

Looking at the exchange rates – the loss could not be more than 10% and copper price is actually favourable.

From: Fitchie, Andrew [mailto:Andrew.Fitchie@dlapiper.com]
Sent: 25 August 2010 22:11
To: rush_aj@[REDACTED]
Cc: Richard.Jeffrey@tie.ltd.uk; david_mackay@[REDACTED]; psmith@[REDACTED]
Subject: Re: Carlisle

Legally privileged

Tony

Ah - when we were close to close in April 2008 and a first smash and grab in February, Siemens revealed that they had made a cock up with internal charges (something to do with transport division being charged by systems division and a quest for more money- eventual dealt with in the BB to S overhead differential: 10pc and 17pc. Steven will have views here and I think that it definitely something that Ms Owen should be reminded/educated on at the appropriate point.

I am not sure that I would see Ken Reid as inexperienced but am confident he has never built a tram before. He was the protege of Gerhard Becher - a old friend of mine from Philipp Holzmann days in Frankfurt (85 - 90). Gerhard joined Bilfinger and essentially built their project investment arm on Turkish and then Australian BOT schemes. He then became a main Board Member. BB then opened in the UK - hence Ken Reid who is a Scot - and tackled the PFI schools market.

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Andrew Fitchie
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From: Anthony Rush <rush_aj@[REDACTED]>
To: Fitchie, Andrew
Cc: Richard Jeffrey <Richard.Jeffrey@tie.ltd.uk>; david_mackay@[REDACTED] <david_mackay@[REDACTED]>; Jim Home <psmith@[REDACTED]>
Sent: Wed Aug 25 21:48:24 2010
Subject: Carlisle

Andrew

The mists are possibly clearing.

Jim rang EK to follow up on the "lets delay" email – we are meeting in the morning.

It turns out that EK met the mythical Ms Owen this afternoon – she is in shock.

It turns out that she thought they were edged against exchange rate loss. Moreover, EK thinks that they haven't bought and stored as much as MF has been saying. As a consequence their price is allegedly 50% under priced. We need to think about this in the morning when we speak at 8.30 - you may not be able to join the con-call so you and I can speak when we meet at 930.

I have discovered that both Reid and Enenkel are relatively inexperienced (not much older than my sons) – together with Ms. Owen who appears to be in the driving seat at Siemens we have an unstable cocktail we need to stabilise.

Tony

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