
From: Glover, Joanne <Joanne.Glover@dlapiper.com>
Sent: 01 March 2010 11:37
To: rush_aj@[REDACTED]; TorquilMurray
Cc: Steven Bell; Richard Jeffrey; Fitchie, Andrew
Subject: RE: Design Liability
Attachments: 27589270_1_UKMATTERS(Advice on key questions -Steven Bell).DOC; 28086887_1_UKMATTERS(Draft Advice Notice - Report on six key questions - 16 January 2009).DOC; 23871736_1_UKMATTERS(Summary Paper on SDS).DOC; 25058941_1_UKMATTERS(Advice Note - SDS Provider - 23 June 2009).DOC; 25224829_1_UKMATTERS(Advice Note - SDS under CW - 3 July 2009).DOC; 23972394_2_UKMATTERS(Paper on SDS liability - 9 April 2009).DOC

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Tony/Torquil,

Please see attached the following:

1. Report on 4 Key Questions with Recommendations (13 December 2009);
2. Report on 6 Key Questions, (16 January 2010);
3. Briefing Paper on Rights & Remedies available to **tie** in connection with failure on the part of the SDS Provider to Perform Services;
4. Advice Note in relation to various SDS questions (issued 25 June 2009);
5. Advice Note in relation to claims by **tie** under the Collateral Warranty granted by SDS (3 July 2009); and
6. Summary Paper on SDS Liability for Delay and Poor Quality (9 April 2009).

Kind regards,
Jo.

Joanne Glover
Solicitor

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From: Fitchie, Andrew
Sent: 01 March 2010 10:29
To: rush_aj@[REDACTED]; TorquilMurray
Cc: Steven Bell; Richard Jeffrey; Glover, Joanne
Subject: RE: Design Liability

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Okay -will compile and send.

Jo - could you look out for us:


Six Questions paper (ca 14 December 2009)

Four Questions paper (ca 15 Jan 2010)

SDS design liability Advice Notes from Compendium and sent these to Tony and Torquil under legal and FOISA privilege - many thanks

kind regards

Andrew Fitchie
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From: Anthony Rush [mailto:rush_aj@[REDACTED]]
Sent: 01 March 2010 10:06
To: Fitchie, Andrew; TorquilMurray
Cc: Steven Bell; Richard Jeffrey
Subject: Re: Design Liability

Yes please - although I would ask Torquil to address the questions first

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Glasgow Tel [REDACTED]
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Mobile 0783 [REDACTED]
email rush_a [REDACTED]

From: "Fitchie, Andrew" <Andrew.Fitchie@dlapiper.com>
Date: Mon, 1 Mar 2010 10:02:09 -0000
To: <rush_aj@[REDACTED]> TorquilMurray<torquilmurray@[REDACTED]>
Cc: Steven Bell<Steven.Bell@tie.ltd.uk>; Richard Jeffrey<Richard.Jeffrey@tie.ltd.uk>
Subject: RE: Design Liability

Legally privileged and FOISA exempt

Tony

Not wishing to impose here but there are several detailed DLA Piper papers dating back probably a18 months and more which analyse SDS's liability pre and post novations pretty thoroughly. There are also two fairly

comprehensive recent papers from me to Steven - one in mid December and one in mid January which discuss the issues of tie-SDS liability also -with recommendations.

Copies of these advice notes are with Steven and various other tie project and senior management -including in a compendium of DLA Piper advice notes dating back several months..

Should I root these all out and send to Torquil?

Brandon also should be equipped with these for -having read D&W's report over the week end - I am concerned that tie may be starting to pay to hear the same story more than once.

Please ignore if off the mark ie Torquil is looking quantum of loss.

kind regards

Andrew Fitchie
Partner, Finance & Projects

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From: Anthony Rush [mailto:rush_aj@[REDACTED]]
Sent: 01 March 2010 09:50
To: TorquilMurray
Cc: Fitchie, Andrew; Steven Bell; Richard Jeffrey
Subject: Fw: Design Liability

Torquil

Could we address the following questions:

What liability did SDS owe tie pre-novation?

What liability did SDS owe tie post novation?

Did Infraco assume any of SDS's liabilities to tie on novation?

What liability do Infraco have for the design?

Tony

Could we address

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email rush [REDACTED]

From: Richard Jeffrey <Richard.Jeffrey@tie.ltd.uk>
Date: Mon, 1 Mar 2010 09:15:00 +0000
To: Anthony Rush<rush_aj@[REDACTED]> 'Andrew Fitchie'<Andrew.Fitchie@dlapiper.com>
Cc: Steven Bell<Steven.Bell@tie.ltd.uk>
Subject: RE: Design Liability

I struggle to pull any sensible conclusions from Torquil's report, (please note this is not a criticism of the report, more a comment on the circumstances in which we find ourselves). To this end I would find it really helpful if someone (Tony and/or Steven?) could therefore produce a short answer to the question, 'so where do we go from here on the design issue?'

Thanks

From: Anthony Rush [mailto:rush_aj@[REDACTED]]
Sent: 01 March 2010 08:12
To: 'Andrew Fitchie'; 'Brandon Nolan'
Cc: Richard Jeffrey; 'J Blair Anderson'; Steven Bell; Graeme Bissett (external contact); Stewart McGarrity; Alastair Richards; torquilmurray@aol.com; Susan Clark
Subject: Design Liability

I attach a copy of Torquil's draft report on Design Liability – thanks to him for getting it out.

I hope to bring his report, Blair's report and the work I have done on programme together tomorrow morning. Torquil is also expecting comment from Acutus on programme impact today.

However, I have circulated the draft at this point in time:

- comments may be helpful to me tomorrow;
- it may have impact on Brandon's thinking;
- it may have a part to play in the Pitchfork Report.

Tony

Telephone [REDACTED] Mobile [REDACTED]

Replies will also be received on my blackberry

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