

---

**From:** Nick Smith  
**Sent:** 30 April 2010 10:00  
**To:** Alastair Maclean  
**Subject:** FW: Strictly Private and Confidential  
**Attachments:** Council Report 27 May 2010 v1.7.doc

Can we discuss. General direction of travel from above appears to be that Gill's involvement is/should be waining and she deal 100% with ABM. Given her patchy involvement in tram this stuff is a hindrance.

Nick

---

**From:** Gill Lindsay  
**Sent:** Fri 30/04/2010 09:42  
**To:** Nick Smith  
**Subject:** FW: Strictly Private and Confidential

Morning Nick

Can you keep me updated on progress please. Please copy me in directly on any legal advice given and received for visibility and keep me advised on all significant issues/meetings please. I have some suggested revisals on this report, if there is a later copy can you let me have this in the course of today please so I am considering the latest draft.

Thanks  
Gill

---

**From:** Alan Coyle  
**Sent:** 26 April 2010 15:49  
**To:** Gill Lindsay  
**Subject:** Strictly Private and Confidential

Gill, FYI.  
The password is edinburgh

Regards

Alan Coyle | Financial Services | Corporate Finance Team (Edinburgh Trams) | Level 2/6 Waverley Court | 4 East Market St EH8 8BG | [alan.coyle@edinburgh.gov.uk](mailto:alan.coyle@edinburgh.gov.uk) |  
Phone 0131 [REDACTED] Mobile 0 [REDACTED]

---

**From:** Gill Lindsay  
**Sent:** 26 April 2010 14:43  
**To:** Alan Coyle  
**Subject:** FW:

Hi Alan  
Can you please forward the latest draft so that I have this prior to IPG tomorrow pl.  
Thanks  
Gill

---

**From:** Gill Lindsay  
**Sent:** 13 April 2010 08:21  
**To:** Alan Coyle  
**Subject:** FW:

Alan

I have copied to update you on legal advice received re appeal in respect of DRP process including in particular the dispute referred to Mr Wilson. Nick has copied your draft Report to Council to me. I have a few comments. It would be helpful to see the latest draft in order that I can comment on that version.

thanks

Gill

---

**From:** Gill Lindsay  
**Sent:** 12 April 2010 17:58  
**To:** Marshall Poulton  
**Subject:** RE:

Thanks Marshall.

I have just now received from Tie a further opinion from McGrigors following further consultation with Richard Keen QC which adjusts the position contained in the earlier detailed draft McGrigors opinion received in March. Essentially the advice is now that there is no over riding time limit to challenge the Wilson decision (and that the particular time limit would apply only in the circumstances where both parties had agreed that the matter was to go to litigation and then did not proceed within that particular timescale). This supports the initial advice provided by DLA that there was not fixed time limits in respect of further litigation. This advice note also recommends engaging further QC opinion from London from a specialist commercial QC, Helen Davies, to consider the substantive matters in consultation with Richard Keen, available during this week reporting next.

This is very helpful. I will ask for further developments to brief you. It would be good to reach a position where we are confident that we have this and other advice/developments as they arise - this note has been in place since 31 March.

Gill

---

**From:** Marshall Poulton  
**Sent:** 12 April 2010 16:17  
**To:** Gill Lindsay  
**Subject:** RE:

Thanks for this Gill, I'll chase this up for you.

Marshall

---

**From:** Gill Lindsay  
**Sent:** 12 April 2010 16:15  
**To:** Marshall Poulton  
**Subject:** FW:

Marshall

I have resent as my mail box earlier was full!. Tie have now helpfully sent the less urgent material but not the urgent material yet.

Gill

---

**From:** Gill Lindsay  
**Sent:** 12 April 2010 14:52  
**To:** Marshall Poulton  
**Subject:**

Marshall

Good to meet today. Just let me know when it would be good to start more regular meetings with Nick and I between next week and mid June, during the period of the particular support re TMO and additional issues before next IPG, now 27 April. As you know FCL has been changed to monthly and cancelled last month and now tomorrow.

As discussed, much work has been undertaken legally in terms of a very detailed review by McGregor's with I understand detailed support from DLA support.

On 1 point of important detail, Nick has been seeking and not yet received some materials, the most pressing being a legal opinion supporting the Tie business decision, not to appeal the Wilson decision, with ref to McGrigors detailed opinion. Paras 10.5 - 10.7 and others refer to this decision, states that " " .....however in arriving at those declarations he reaches certain conclusions in relation to the interpretation to be given to Pricing Assumption No 1.... There is a risk that Mr Wilson's conclusions in relation to the interpretation of Pricing Assumption No1 form part of his decision , and are therefore binding - until the dispute is finally determined by legal proceedings (or agreement). Para 36.5 states ..... " if the latter interpretation is correct, that would require court proceedings to be raised and served in relation to the dispute referred to Mr Wilson by no later than 14 April 2010 (bring 70 Business Days after his decision was issued). The Report also states that the matter will be referred further to Richard Keen QC.

Essentially Nick has not yet been provided with any updated legal view which McGrigors were considering by 31 March in accordance with the list of work tasks received nor as may have been commented on by Richard Keen. I have asked Tie, Susan Clark for this on the phone today and she has advised she will endeavour to obtain and provide asap but the time limit will expire on 14 April and the Council and TMO has no further diligence on why this decision has been made, despite request.

Additional outstanding material ( of lessor immediate concern) is DLA advice referred to in McGrigors Report and further updated advice from Richard Keen. Susan has helpfully advised today that she will locate the DLA advice and provide to us and that there is no further written draft from Richard Keen as at today's date.

I will call Susan again early Tuesday.  
Gill