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Marco Emilio Patuano

From: Marcelo Elias [melias@nexxy.com.br]
Sent: Wednesday, May 11, 2005 11:04 AM
To: Marco Emilio Patuano
Subject: ENC: Privy Council Costs

250k pounds
MAX.

Dear Marco:

I believe the e-mail below will help us for the meeting this Friday (15:00 p.m.), since it thoroughly describes each work to be done by the lawyers. I am going to London next Monday and it is important to expedite matters. As a manager who looks everything in detail, you will see that we passed to you the exact amount the lawyers are charging (US\$ 495,595 just for this case), and we really need to have a quick delivery on this (Seamus email is from one month ago).

Demarco will be with some important people of the funds today in São Paulo. He is doing a great work in support to TI's interests. He will write an e-mail to you with his actions and ideas. He sends his regards to you and Zambelletti.

Regards,

Marcelo

base of the case
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x And'r

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-----Mensagem original-----

De: Seamus Andrew [mailto:Seamus.Andrew@andrews.uk.com]
Enviada em: quarta-feira, 13 de abril de 2005 09:17
Para: Irdemarco
Cc: Marcelo Elias
Assunto: Privy Council Costs

Dear Demarco,

Marcelo asked if I would set out a more detailed estimate of costs for the Privy Council case. Whilst I cannot guarantee that this is 100% accurate, I think it is a good guide to the costs which will be incurred. For these purposes I am assuming that you are using a legal team of me and Michael Black QC (as well as Marcelo, but I shall not include his costs here).

I shall split the necessary work up into the identifiable "tasks" which must be completed to get to the final hearing. I shall assume for these purposes that Opportunity do not try to derail the whole process - e.g. with an application to strike us out. We know from experience that this is possible (e.g. when they tried to strike out your application to discharge the Mareva injunction, in 2000. We won but at a cost.)

First, I should set out what we have done so far:

1. Obtained final leave to appeal last July;
2. Collated the "Record" and transmitted it to the UK;
3. Lodged the Record with the Privy Council in Downing Street in September 2004;
4. Entered an "Appearance" at the Privy Council (i.e. came on the record in the appeal) in October 2004;
5. Prepared a detailed index of all of the documents in the Record, identifying each one properly (with an accurate description) and distinguishing between different versions of the same document (e.g. redemption requests, subscription agreements, copies of the reverse of the subscription agreement etc.) This work was essential to ensure that Opportunity cannot cloud the issues by causing confusion over which documents are which. Previously Opportunity had never prepared a proper index, even though it was their case at first instance and it was their appeal to the Court of Appeal.
6. Started the process for agreeing the "Record for Reproduction" - i.e. the bundles which will actually go before the Privy Council. I started this process by sending the index to Charles Russell in December (10 Dec); they only responded on 9 March, and I sent a letter to them this morning asking some questions about their response. However within the next few days we must respond fully and agree the core bundles.

For the purposes of this estimate I am using a rate of £400 per hour for MBQC - and a daily rate of £3,200 per hour (based on an eight hour day). For me I am using the reduced rate of US\$450 per hour (equal to £236 per hour) and a daily rate of 8x 236 = £1,888. For Lucy I have taken her rate of £100 per hour and changed it to £79 per hour - a reduction of the same percentage as mine. This means that Lucy is being charged out at US\$150 per hour.

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5/12/2005