

Louie Azzolini

From: Louie Azzolini
Sent: Wednesday, July 17, 2002 8:50 AM
To: 'Janet Hutchison'
Cc: John Donihee (E-mail); John Donihee (E-mail); Alan Ehrlich; Joe Acorn
Subject: RE: Proposed Amended Work plan

My response is in bold under the relevant paragraphs. I have copies our legal counsel on this note. If something I have said is not legally appropriate I am sure Mr. Donihee will correct me and set the legal matter straight. I hope this helps.
LA

-----Original Message-----

From: Janet Hutchison [mailto:jhutchison@nucleus.com]
Sent: Tuesday, July 16, 2002 5:59 PM
To: Louie Azzolini
Cc: J. Michael Thoms; Bob Turner; Clem Paul
Subject: Proposed Amended Work plan

Dear Mr. Azzolini,

Thank you for your letter of today's date regarding the Board's timetable to consider and decide upon the new deadlines under the proposed amended work plan. If I understand the letter correctly, the parties will not receive the revised work plan until sometime in September, 2002.

If the Board can meet sooner, an amended work plan could be issued sooner then September. When exactly. I do not know as we do not have a full time Board.

Under the circumstances, I would appreciate confirmation that none of the proposed deadlines in the proposed amended work plan are operative. Specifically, please confirm that the proposed deadline of July 17/02 for submission of Round Two information requests is not binding on the parties.

The date you are referring to (July 17) was included in the draft work plan. That date nor any of the other dates are currently operative. Until an amended work plan is adopted by the Review Board there is no work plan in place.

Also, given that the Board has not made any decision regarding new timelines, I would ask you to confirm that, at some point in the process, the parties will be given an opportunity to submit IR's arising from the IR responses filed by DeBeers on June 28, 2002 (over one month after the existing deadline for submission of Round 3 IR's , which are to include IR's arising from responses to Round One and Two IR's.) We note that to preserve fairness in the process, this date could not expire until a reasonable time after the Board makes a decision on the amended work plan.

I believe you are referring to the The Review Board's initial IRs that were issued to De Beers on March 25, 2002 and responded to by De Beers on June 12. The proposed amended work plan would have enabled supplementary IRs. If the Review Board maintains that perspective your clients the NSMA would have an opportunity to submit supplementary IRs to De Beers' June 12 submission.

I look forward to hearing from you.

Janet L. Hutchison

Chamberlain Hutchison
Barristers & Solicitors
1310 Merrill Lynch Tower
10025-102A Avenue
Edmonton, Alberta T5J 2Z2

ph: 780-423-3661

fax: 780-426-1293

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