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TRANSCRIPT OF FIFTH CONVERSATION BETWEEN
ANDREW LAZENBY (SHELL) AND JOHN DONOVAN (DON MARKETING)

TAKES PLACE ON 21 FEBRUARY 1994

LAZ: ANDREW LAZENBY

DON: HELLO ANDREW, GOOD AFTERNOON, ITS JOHN DONOVAN HERE

LAZ: HELLO HOW ARE YOU

DON: FINE THANKS, ERM I'VE GOT YOUR LETTER REGARDING MAKE MONEY

LAZ: RIGHT

DON: AND I THOUGHT THAT A SHORT CONVERSATION MIGHT SAVE US SOME TIME

LAZ: OKAY

DON: HOPEFULLY

LAZ: YEAH

DON: ERM, REALLY I'VE GOT QUITE A LOT OF OTHER INFORMATION THAT ER YOUR NOT AWARE OF.. I'VE GOT TWO FILES FULL OF IT

LAZ: RIGHT

DON: INCLUDING SOME MORE CORRESPONDENCE AND ACKNOWLEDGEMENTS BY SHELL BUT OF COURSE UNLESS YOUR PLANNING TO ER DO SOMETHING WITH MAKE MONEY IT DOES'NT SEEM TO BE A LOT OF POINT IN PURSUING THIS CORRESPONDENCE TO ME?

LAZ: WELL I MEAN ITS JUST ONE OF THESE THINGS WE SHOULD GET IT SORTED OUT NOW AND OUT OF THE WAY BECAUSE THERE'S OBVIOUSLY ER A LACK OF UNDERSTANDING ACROSS THE A.. BETWEEN US IS'NT THERE

DON: WELL WOULD IT MATTER ER I MEAN YOU HAVE'NT RUN MAKE MONEY FOR THE LAST TEN YEARS IT MAY BE ANOTHER TEN YEARS AND THEREFORE WHAT WOULD BE THE POINT

LAZ: WELL IT MAY AND IT MAY NOT.. AND I THINK WE WOULD NEED TO BE IN POSITION TO DO IT WHEN AND IF WE WERE TO WANT TO DO IT IN THE FUTURE.. WOULD BE TO JUST DO IT AS WE BELIEVE WE CAN, I THINK

DON: RIGHT, BECAUSE WHAT..

LAZ: MY LETTER IN RESPONSE TO YOURS TO DAVID WAS PURELY TO KEEP THINGS ABOVE THE BOARD AND OUR POSITION IS AS WE STATE

DON: OKAY, IN THAT CASE IT SEEMS I HAVE GOT TO REPLY TO IT AND ER PERHAPS GET ANOTHER LEGAL OPINION ON IT

LAZ: ERM, YEAH I MEAN I DON'T

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DON: WHICH IS A PITY.. AM I TO TAKE IT THAT SINCE YOUR NOW DEALING WITH THIS YOUR ALSO DEALING WITH THE NINTENDO AFFAIR

LAZ: ERM.. I'M CERTAINLY INVOLVED IN THE NINTENDO AFFAIR.. BUT SINCE YOUR IN CORRESPONDENCE WITH MY M.D. ERM.. THAT'S KIND OF ON A DIFFERENT TRACK

DON: RIGHT

LAZ: DIFFERENT SUBJECT

DON: RIGHT.. OKAY, BECAUSE I DID SPEAK TO DAVID WATSON ON FRIDAY BECAUSE SOMEONE PHONED ME BACK FROM SHELL AND SAID HE WAS STILL DEALING DEALING WITH IT, EVEN THOUGH HE MOVED TO SHELL INTERNATIONAL

LAZ: FROM SHELL!

DON: YES

LAZ: WHO TOLD YOU THAT?

DON: A YOUNG LADY FROM THE MARKETING DEPARTMENT ON BEHALF OF ANDREW.. IS IT BLAZEY?

LAZ: BLAZEY

DON: BLAZEY, YES AND ER THEN ER DAVID KINDLY PHONED ME BACK

LAZ: YEA, I KNOW..

DON: YES HE SAID HE THOUGHT THAT ER FRANK LEGGETT WAS PROBABLY DEALING WITH IT

LAZ: WELL DAVID CERTAINLY ISN'T.. FRANK IS'NT EITHER.. I THINK ITS JUST ME DIRECTLY WITH ER.. YOU SHOULD JUST KEEP TWO POINTS OF CONTACT REALLY.. ME AND ER DAVID VARNEY

DON: DAVID VARNEY OKAY WELL I'VE WRITTEN.. I'VE RESPONDED TO DAVID VARNEY'S LETTER

LAZ: THAT'S RIGHT.. WE'RE JUST DRAFTING JUST DRAFTING A RESPONSE BACK ON IT

DON: O, YOUR STILL DRAFTING A RESPONSE

LAZ: YES.. THE ONE WE RECEIVED LAST WEEK?

DON: RIGHT OKAY, BECAUSE THE DELAY WAS CAUSED BY THE FACT THAT A SINCE WE SEEMED TO HAVE REACHED AN IMPASSE ON IT I DECIDED TO GET AN OPINION FROM LEADING COUNSEL, A QC

LAZ: YEP

DON: WHICH I'VE NOW GOT AND AT THE MEETING I PROPOSE TO BRING THESE VARIOUS LEGAL OPINIONS WITH ME SO THAT YOU CAN HAVE SIGHT OF THEM.. BECAUSE I THINK IT MIGHT BE HELPFUL TO YOUR LAWYERS.. ER AND THESE OPINIONS ARE QUITE CLEAR THAT WE DO HAVE A CASE

LAZ: THIS IS ON.. WHICH ONE

DON: THIS IS ON NINTENDO THIS IS ON THE NINTENDO PROMOTION

LAZ: RIGHT WHAT ARE YOU LOOKING FOR ON THAT ONE AGAIN I'VE I'VE

DON: WE'RE LOOKING... MR VARNEY OFFERED US ER A WITHOUT PREJUDICE MEETING WHICH WAS ORIGINALLY THE OFFER OF YOUR SENIOR LEGAL ADVISOR, IAN BROWN

LAZ: YEAH

DON: ER AND THERE'S BEEN A LOT OF DISPUTE ABOUT THAT BECAUSE I AGREED TO THE MEETING THEN I FOUND OUT THAT THE PURPOSE OF THE MEETING WASN'T, WASN'T WHAT WAS SET OUT IN THE IN THE LETTER FROM THE LEGAL DIVISION ER

LAZ: THERE'S A POINT IN HAVING A MEETING SO LONG SO LONG AS YOU'VE GOT SOMETHING DIFFERENT DIFFERENT TO SAY

DON: WELL, WELL REMEMBER THAT THIS WASN'T ME WHICH SUGGESTED THE MEETING THIS WAS SHELL

LAZ: NO IT WAS IN RESPONSE TO SOME OTHER..

DON: WELL BECAUSE WE SENT WE SENT A STATEMENT OF CLAIM

LAZ: YEAH

DON: WHICH YOU'VE PROBABLY SEEN

LAZ: YEAH

DON: AND THEN YOUR LEGAL DIVISION RESPONDED WITH THE OFFER OF A WITHOUT PREJUDICE MEETING WITH A VIEW TO SETTling THE MATTER AS THEY SAID IN THEIR LETTER WHICH I WAS QUITE..

LAZ: WHAT IS IT GOING TO TAKE TO SETTLE IT AT THE MOMENT?

DON: WHAT IS IT GOING TO TAKE TO SETTLE IT? WELL ER A SETTLEMENT BETWEEN THE TWO COMPANIES..

LAZ: AND WHAT ARE YOU LOOKING FOR AT THE MOMENT?

DON: ER

LAZ: SINCE I'VE BEEN OUT OF IT FOR

DON: WELL WHAT YOU'VE HAD IS A STATEMENT OF CLAIM SETTING OUT OUR CLAIM.. AND THAT.. AS I'VE ALWAYS MADE CLEAR, RIGHT FROM THE BEGINNING, THAT WE'RE OPEN TO NEGOTIATION

LAZ: ERMM.. I HAVE'NT READ IT, I HAVE'NT READ IT, I'M JUST TRYING TO REMIND MYSELF ON THE FACTS BECAUSE ITS ALL CLEAR FROM OUR SIDE THAT THERE'S NO CLAIM THERE SO..

DON: BECAUSE WE'VE GOT INTO A VERY CONFUSED SITUATION BECAUSE THE LETTER WE RECEIVED FROM MR VARNEY ER GAVE ONE VERSION OF EVENTS WHICH IS DIFFERENT TO THAT WHICH HAS BEEN GIVEN DIRECTLY TO ME BY YOURSELF AND BY MR WATSON WHERE IT WAS SAID IN MR VARNEY'S LETTER THAT YOU HAD NO INVOLVEMENT IN THE PROMOTION FOR EXAMPLE WHEN I KNOW AND YOU KNOW THAT IN FACT IT WAS PRESENTED TO YOU AND IT WAS YOUR DECISION THAT YOU GO AHEAD WITH IT

LAZ: I, I DON'T THINK IT WOULD BE SENSIBLE TO DISCUSS IT FURTHER OVER THE LINE JOHN ERM

DON: WELL

LAZ: WE'RE JUST GOING OVER ALL THE GROUNDS..

DON: YES, WELL JUST LET ME READ YOU THE LAST.. THE SUMMARY PARAGRAPH OF THIS OPINION FROM FROM JOHN BALDWIN QC.. IN SUMMARY GIVEN THE CLOSE SIMILARITY BETWEEN THE BASIC CONCEPT OF THE NINTENDO THEME PROMOTION DISCLOSED BY DON MARKETING AND THAT OF THE ACTUAL SHELL NINTENDO PROMOTION, THE INVOLVEMENT OF ANDREW LAZENBY IN BOTH, THE LACK OF A BELIEF THAT THE DON MARKETING CONCEPT WAS PROTECTABLE AND THE POSSIBILITY OF DELIBERATE OR SUBCONSCIOUS COPYING, OUR VIEW IS THAT DON MARKETING HAS A VALID CLAIM AGAINST SHELL FOR MISUSE OF CONFIDENTIAL INFORMATION AND BREACH OF CONTRACT. THIS IS A JOINT OPINION WITH JOHN BALDWIN QC AND MARY VITORIA WHO ARE BOTH SPECIALIST COUNSEL IN THIS AREA OF LAW..

(LONG SILENCE.....)

LAZ: WELL I'M CERTAINLY NOT A LAWYER SO I CAN'T COMMENT..

DON: WELL YOU SEE YOUR LAWYERS HAVE GIVEN YOU COMPLETELY DIFFERENT ADVICE BECAUSE.. BUT I AM NOT.. I DO NOT KNOW WHAT INFORMATION, WHAT BRIEFING THEY'VE BEEN GIVEN.. I DO KNOW..

LAZ: WELL THE TRUTH BY ME.. BUT ANYWAY, AS I SAY..

DON: YES

LAZ: IT'S NOT A CASE TO GO OVER THIS STUFF ON THE PHONE..

DON: WELL IN OUR CASE OUR LAWYERS... THEY'VE HAD INFORMATION STRETCHING BACK FOR TEN YEARS.. ALL OF THE ORIGINAL PURCHASE ORDERS FROM SHELL FOR THESE VARIOUS PROMOTIONS SO THEY COULD SEE THE BACKGROUND BASIS ON WHICH WE DID BUSINESS.. THE FACT THAT IT WAS STRICTLY CONFIDENTIAL RIGHT FROM THE BEGINNING FROM SHELL'S SIDE IT WAS STRICTLY CONFIDENTIAL ON ALL OF THE LETTERS THAT YOU SENT US ER SO THEY HAVE HAD. SO I KNOW THAT THEY HAVE HAD A FULL AND ACCURATE BRIEFING.. HOWEVER I DO NOT KNOW WHICH VERSION OF EVENTS YOUR LAWYERS WERE GIVEN AS THE BACKGROUND TO

LAZ: THE TRUE ONE OF COURSE

DON: PARDON

LAZ: THEY'VE BEEN GIVEN THE TRUE VERSION OF COURSE

DON: WHICH TRUE VERSION WAS THAT? THE ONE WHERE YOU WERE INVOLVED IN THE PROMOTION AND TOOK THE DECISION THAT IT WENT AHEAD OR THE VERSION IN MR VARNEY'S LETTER THAT SAID THAT YOU HAD NO INVOLVEMENT IN THE PROMOTION?

LAZ: THE TRUE VERSION JOHN, AS I SAY I DON'T THINK ITS THIS

DON: NO, BUT WHAT I'M SAYING ANDREW

LAZ: XXXX DISCUSSED OVER THE LINE

DON: YOUR SAYING THE TRUE VERSION.. WHICH WAS THE TRUE VERSION.. BECAUSE THERE'S ONE IN WRITING FROM YOUR MANAGING DIRECTOR AND THERE'S THE ONE YOU GAVE ME ON THE TELEPHONE.. SO WHICH IS THE TRUE VERSION.. THAT'S WHAT I'M ASKING.. ALSO YOUR LAWYERS..

LAZ: I HAVE'NT SEEN DAVID VARNEY'S LETTER SO I CAN'T COMMENT ON THAT I HAVE'NT READ IT..

DON: WELL THERE ARE OTHER.. IT SAYS THAT SHELL HAD NO INPUT INTO THE PROMOTION WHATSOEVER.. NOW I HAVE ALSO ESTABLISHED THAT THAT IS NOT THE CASE.. SHELL DID HAVE AN INPUT INTO THE PROMOTION..

LAZ: HOW DID YOU ESTABLISH THAT?

DON: WELL TWO TWO WAYS.. ONE IS THAT DAVID PATTON FROM NINTENDO TOLD ME THAT IT WAS A JOINT DEVELOPMENT WITH SHELL.. THE ACTUAL PROMOTION THAT RUN.. THAT SECONDLY..

LAZ: JOINT.. THERE WAS A THING THAT NINTENDO WERE DOING ENTIRELY AT HIS INSTRUCTION

DON: AT HIS INSTRUCTION?

LAZ: YES

DON: INDEED.. ANDREW THERE WERE ONLY TWO PEOPLE THAT WE DISCLOSED THIS IDEA TO

LAZ: YEAH

DON: YOU AND HIM

LAZ: WELL YOU'VE ALREADY TOLD ME THAT ABOUT NINE MONTHS AGO JOHN THAT YOU KNOW THAT HE TOLD NINTENDO RATHER SOME OTHER COMPANY TO DO IT

DON: BUT WHAT I'M SAYING IS THAT WE ONLY DISCLOSED THIS IDEA TO TWO PEOPLE.. YOU AND HIM. AND THOSE SAME TWO PEOPLE ORCHESTRATED THE PROMOTION WHICH RAN

LAZ: BUT NO NO NO JOHN I MEAN.. I'LL KEEP SAYING TILL I'M BLUE IN THE FACE.. I DON'T REALLY THINK THIS IS THE PLACE TO DISCUSS IT HOWEVER.. AS YOU SAID TO ME NINE MONTHS AGO YOU KNOW YOU CAN'T GET ANYTHING OUT OF THEM OR YOU WOULD GO FOR THEM AND..

DON: I DID'NT SAY THAT, NOT AT ALL

LAZ: YOU KNEW THAT HE HAD INSTRUCTED DL.. BLP OR WHO EVER IT WAS TO TO DEVELOP THE PROMOTION

DON: WELL SHELL HAVE CONFIRMED THAT TO ME AND SO HAVE NINTENDO YES.. WE KNOW IT FROM BOTH SOURCES

LAZ: YES

DON: AND WE KNOW IT FROM BOTH SOURCES THAT

LAZ: XXX XXXX XXX NINTENDO

DON: DAVID WATSON CONFIRMED THAT SHELL DID HAVE AN INPUT INTO THE DEVELOPMENT OF THE PROMOTION. I SAY ITS ALL ENTIRELY DIFFERENT TO WHAT WAS PUT INTO THE LETTER FROM MR VARNEY WHICH WAS INFORMATION THAT I UNDERSTAND WAS SUPPLIED BY YOU AND MR WATSON TO HIM.. SO HE HE IS NOW IMPLICATED AND COMPROMISED BECAUSE HE HAS PASSED INFORMATION IN GOOD FAITH WHICH I KNOW AND YOU KNOW IS'NT TRUE...

(SILENCE FOR A FEW SECONDS)

LAZ: I HAVE'NT READ HIS LETTER JOHN SO I DON'T THINK I CAN COMMENT ON THAT..

DON: WELL I'VE GOT A COPY OF IT RIGHT HERE

LAZ: WELL I CAN GET A COPY OF IT BUT

DON: I THINK..

LAZ: BUT IT'S NOT THE KIND OF THING TO DISCUSS OVER THE PHONE

DON: NO

LAZ: WE'RE RESPONDING TO YOUR LATEST LETTER TO TO MR VARNEY, I KNOW THAT

DON: RIGHT

LAZ: I'M FACILITATING THAT AT THE MOMENT

DON: RIGHT WELL

LAZ: WAIT TILL YOU GET THAT BEFORE TAKING ANY FURTHER ACTION.. HOWEVER ON THE OTHER SUBJECT..

DON: YES.. CAN I JUST ADD ONE THING WHILE I THINK OF IT.. IS THAT THE REASON FOR THIS DELAY IN GETTING THE OPINION IS BECAUSE THE QC ASKED FOR AN EXPERT WITNESS REPORT

LAZ: ER HA

DON: SO WE HAD TO GO TO SOMEONE ELSE ENTIRELY INDEPENDENT AND GET THEM TO REVIEW THE THING GIVE THEM ALL OF THE HUGE FILE OF PAPERS WE NOW HAVE AND THEY SUPPLIED A REPORT TO THE QC

LAZ: WHO'S THAT

DON: THIS WAS EM.. I WILL NOT SAY UNTIL I'VE GOT THE PERMISSION OF THE LAWYERS BECAUSE IT WOULD'NT BE RIGHT.. BY THE TIME THAT WE HAVE A MEETING THAT'S IF WE DO HAVE A MEETING I HOPE TO HAVE THAT PERMISSION SO THAT SHELL CAN HAVE SIGHT OF THAT OPINION.. OF THE OPINION FROM MARY VITORIA AND JOHN BALDWIN QC AND ANOTHER OPINION WHICH I SHALL HAVE IN A FEW DAYS AS WELL.. BECAUSE I WANT TO DISPEL THIS THING THAT YOUR LAWYERS SAY THAT WE HAVE'NT GOT A CLAIM CAUSE IT IS CLEARLY WRONG.. THEY HAVE BEEN WORKING ON ER ER AN OPINION WHICH THEY OBTAINED IN RESPECT OF A DIFFERENT PROMOTION AND EVERY CASE SHOULD BE JUDGED..

LAZ: WHAT PROMOTION IS THAT?

DON: WELL THIS WAS ANOTHER CASE THAT A THAT YOUR LAWYERS OBTAINED AN OPINION FOR APPARENTLY

LAZ: OUR LAWYERS?

DON: YOUR LAWYERS

LAZ: YEAH

DON: THEIR THEIR ADVICE TO MR VARNEY IS THAT APPARENTLY BASED ON THAT ADVICE

LAZ: WHICH ADVICE

DON: WELL THE ADVICE THAT ER.. THEY HAVE COUNSELS ADVICE FROM SPECIALIST COUNSEL APPARENTLY IN RESPECT OF A DIFFERENT PROMOTION

LAZ: WHICH PROMOTION?

DON: I DON'T KNOW.. I DO NOT KNOW I WAS'NT TOLD THAT

LAZ: HOW DO YOU KNOW IT'S DIFFERENT

DON: BECAUSE BECAUSE I SPECIFICALLY ASKED DAVID WATSON.. I SAID HAS HAS YOUR DELAY BEEN CAUSED BY THE FACT THAT YOU'VE GONE OUT AND OBTAINED SPECIALIST OPINION ON THIS PARTICULAR PROMOTION AND HE SAID "NO.. ERM OUR LAWYERS HAVE GOT AN OPINION ON A DIFFERENT PROMOTION.. THERE'S ELEMENTS WHICH ARE THE SAME AND THAT THEIR RELYING ON THAT ADVICE".. NOW I KNOW THAT'S A DANGEROUS THING TO DO BECAUSE EVERY CASE IS DIFFERENT AND I'M FAIRLY POSITIVE THAT YOUR LAWYERS WILL NOT BE PROPERLY AWARE OF THE BACKGROUND BETWEEN OUR COMPANIES AND THE LENGTH OF TIME WE'VE DONE BUSINESS

LAZ: ER... I THINK YOU MIGHT FIND THAT THEY ARE AWARE OF THAT

DON: THAT THAT REMAINS TO BE SEEN.. ANY RATE I'M HOPING THE MEETING IS STILL GOING TO TAKE PLACE BECAUSE I'VE GOT INFORMATION FOR IT.. IF IT IS'NT THEN WE'VE GOT OTHER PLANS AND FINALLY WE WILL ISSUE THE ER WRIT AND PURSUE IT IN THE COURTS BUT WE HAVE OTHER PLANS BEFORE THAT BECAUSE I THINK ITS SCANDALOUS WHAT'S HAPPENED AND WE SHALL TAKE IT UP WITH SHELL DIRECT - SHELL TRADING COMPANY AND ASK THEM TO INVESTIGATE.. IF WE CANNOT MOVE THIS FORWARD

LAZ: IT GOT AS HIGH IN THE LINE AS IT CAN DO JOHN

DON: I DON'T THINK THAT'S CORRECT NO.. WE CAN GO HIGHER YET

LAZ: I'M NOT SURE THAT YOU WILL GET ANY FURTHER

DON: WELL WE SHALL SEE.. IF WE IF WE CANNOT GET IF WE CANNOT GET

LAZ: IF YOU FEEL LIKE IT PERHAPS YOU'LL GET A FEW BUSINESS TRIPS AS WELL

DON: WHERE'S THAT

LAZ: YOU'LL PROBABLY TAKE IT UP WITH SHELL IN HOLLAND IF YOU FELT LIKE IT

DON: WELL RIGHT IF WE CAN'T GET JUSTICE FROM SHELL THEN WE WILL ISSUE THE WRIT AND., I TOLD YOU AT THE BEGINNING WE DID'NT WANT TO DO THAT BUT IF THAT'S WHAT IT TAKES TO GET JUSTICE.. I MEAN SHELL SHOULD SURELY REALISE BY NOW THAT WE DON'T INTEND TO TO JUST ROLL UP AND FORGET ABOUT IT.. WE WILL PURSUE THIS.. WE'VE GOT.. WE'VE ALREADY SPENT A LOT OF MONEY ON LAWYERS OPINIONS BECAUSE YOUR LAWYERS SAID THAT WE DID NOT HAVE A CASE WE'VE GONE TO THE LEADING PEOPLE

LAZ: THERE THERE IS NO WAY THAT WE TOOK YOUR IDEA AND USED IT SO THAT'S THE LONG AND SHORT OF IT.. HOWEVER ITS NOT THE PLACE TO DISCUSS IT HERE RIGHT.. WE'VE DRAFTING A LETTER BACK TO YOU IN RESPONSE TO YOUR LATEST ONE TO DAVID VARNEY

DON: RIGHT

LAZ: AND I'VE SENT A LETTER TO YOU ABOUT A DIFFERENT SUBJECT..

DON: WHICH IS MAKE MONEY

LAZ: YEAH

DON: I I TAKE IT THEN THAT AS FAR AS MAKE MONEY IS CONCERNED THAT SOMETHING IS GOING ON BECAUSE OTHERWISE THERE WOULD'NT BE ANY POINT IN PURSUING THIS NOW WOULD THERE..

LAZ: THE POINT IS UNFORTUNATELY JOHN THAT IF WE WANTED TO DO SOMETHING IN A YEARS TIME THEN THEN WE'D HAVE TO GET IT RESOLVED AT THAT STAGE SO .. WE'RE NOT THE KIND OF PEOPLE WHO JUST LET SOMETHING LIE WHICH IS XXXX XXXXXX XXXX XXX OUR BUSINESS

DON: WELL I SHALL JUST SEND A SHORT RESPONSE TO THIS LETTER CONFIRMING WHAT I HAVE ALREADY TOLD YOU THAT I HAVE FURTHER INFORMATION... EVIDENCE..

LAZ: THEN I'LL JUST SEND A RESPONSE BACK TO YOU SAYING I DON'T BELIEVE IT

DON: WELL I HAVE.. I'VE JUST SENT YOU A COPY OF THE FIRST LETTER FROM SHELL HAVE'NT I..

LAZ: YEAH

DON: I CAN CALL WITNESSES WHO WERE SENIOR SHELL MANAGERS AT THAT TIME THAT WOULD CONFIRM THE CIRCUMSTANCES AND DOCUMENTS THAT I HAVE BUT I SEE NO POINT.. I DON'T REALLY WANT TO GET INVOLVED IN DISPUTE NUMBER TWO UNTIL WE'VE SETTLED DISPUTE NUMBER ONE.. WHICH IS.. ITS ALL VERY UNFORTUNATE BECAUSE..

LAZ: IT'S MORE THAN UNFORTUNATE..

DON: FOR TEN YEARS WE HAD A VERY GOOD RELATIONSHIP WITH SHELL

LAZ: ER HA

DON: AND... ITS JUST.. I THINK IT COMES DOWN TO YOUR CONFRONTATIONAL APPROACH TO THESE THINGS THAT'S GOT US INTO DIFFICULTIES.. YOU SAID RIGHT FROM THAT VERY FIRST CONVERSATION I HAD WITH YOU THAT EM YOU DID'NT EVEN KNOW.. WHAT DOES STRICTLY CONFIDENTIAL MEAN.. AND I THINK THAT'S BEEN ONE OF OUR PROBLEMS IS THAT YOU DO NOT SEEM TO FEEL THAT THAT YOUR BOUND BY THINGS THAT ARE PUT TO YOU IN CONFIDENCE.. THAT IS'NT A PROBLEM WE'VE EVER HAD BEFORE.. WITH SHELL WE'VE HAD

LAZ: NO NO NO NO THAT IS GOING FAR TO FAR.. THAT SIMPLY NOT TRUE

DON: WHAT IS'NT

LAZ: I'M VERY CLEAR THAT THAT'S NOT TRUE.. BUT I DON'T THINK WE SHOULD PURSUE THIS ANY LONGER

DON: WELL I SAY THAT IS WHAT YOU SAID TO ME THOUGH ANDREW YOU SAID

LAZ: NO I DON'T THINK IT IS

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DON: PARDON

LAZ: I DON'T THINK IT IS

DON: THAT'S WHAT YOU SAID TO ME.. YOU SAID YOU DID'NT KNOW WHAT STRICTLY CONFIDENTIAL MEANS

LAZ: I DON'T THINK IT CAN BE

DON: YOU DO KNOW WHAT IT MEANS NOW DO YOU

LAZ: SORRY

DON: YOU DO KNOW WHAT IT MEANS NOW

LAZ: THAT THAT'S A BIT UNFAIR JOHN.. I'VE ALWAYS KNOWN WHAT IT MEANS

DON: WELL THAT'S CONTRARY TO WHAT YOU..

LAZ: WELL DO YOU KNOW WHAT IT MEANS?

DON: I CERTAINLY DO.. I KNEW THEN AND I KNOW EVEN MORE NOW CAUSE I'VE GOT ALL THESE LEGAL OPINIONS IN FRONT OF ME WHICH GO INTO IT AT SOME LENGTH AND THERE'S CERTAINLY ABSOLUTELY NO DISPUTE IN THIS OPINION THAT WHAT ER WE PUT FORWARD TO SHELL WAS COVERED BY OUR STANDARD TERMS AND CONDITIONS AND THE INFORMATION WHICH WAS PRINTED ON THE FRONT OF THE PRESENTATION ABOUT CONFIDENTIALITY.. THERE'S NO.. WELL AT ANY RATE LET'S WAIT IF THERE IS A MEETING AND YOU'LL BE ABLE TO OR YOUR LAWYERS WILL BE ABLE TO BE ABLE SEE THE OPINIONS THAT WE'VE GOT AND I LOOK FORWARD TO SEEING THE INFORMATION THAT A DAVID WATSON SAID THAT ER WOULD BE PRESENTED TO ME WHICH WOULD BE A LETTER FROM BDP WHICH I THINK WAS WRITTEN AT HIS REQUEST REGARDING THE BP INVOLVEMENT..

LAZ: WHAT DO YOU MEAN YOU THINK IT WAS WRITTEN AT HIS REQUEST?

DON: THERE WAS A LETTER APPARENTLY FROM BDP SAYING THAT THEY DEVELOPED THE PROMOTION

LAZ: WELL THAT'S TRUE..

DON: THERE WAS NO ONE ELSE INVOLVED BUT OF COURSE DAVID WENT ON TO SAY THAT LETTER WAS WRITTEN WAS WRITTEN AT HIS SPECIFIC REQUEST

LAZ: WELL I CAN'T

DON: IN CASE SOMEONE ELSE RAISED THE SUBJECT LATER ON

LAZ: THE LETTER WAS SENT DIRECTLY TO THE PERSON WHO MANAGED THE PROJECT

DON: AND ER WAS THERE A PROPOSAL THAT BDP PUT UP TO YOU?

LAZ: PROBABLY.. MOST THINGS COME FROM PROPOSALS

DON: RIGHT.. THAT'S ALSO.. I THINK DAVID PROBABLY MENTIONED THAT AND OBVIOUSLY I WOULD BE INTERESTED TO SEE THAT BECAUSE HE SAID THAT HE WANTED TO PERSUADE ME ER THAT NOTHING HAD HAPPENED.. THAT IT WAS ALL VERY STRAIGHT FORWARD AND SO ON.. AND THAT WAS THE REASON FOR THE MEETING.. BUT OF COURSE NONE OF THIS WAS MENTIONED IN THE LETTER FROM YOUR LEGAL DIVISION.. THEY JUST SAID THAT THEY OFFERED A WITHOUT PREJUDICE MEETING WITH A VIEW TO SETTLING THE MATTER

LAZ: OKAY

DON: IS THAT OKAY.. WELL

LAZ: I'LL LOOK FORWARD TO YOUR LETTER

DON: I'LL WAIT TO GET THE LETTER FROM YOU AND I'LL RESPOND TO YOUR LETTER REGARDING MAKE MONEY

LAZ: ALRIGHT

DON: WE'LL GO FROM THERE.

LAZ: ALRIGHT BYE

DON: OKAY THANKS BYE