

Re: Nelson Barbados v. Cox et al.

The irony of your pedantic letter is enticing. You seek now to rely upon that which you earlier denounced. If you are content to rely on Mr. Bell's entire report, I would be supportive, but attempting to excerpt single passages ignores the overriding concerns that have faced us as we make the arrangements.

Your comment "There is clearly much more going on than meets the eye" is presumably directed at the non-disclosure by the Defendants as to the ownership of the Hilton. You speak of the Hilton as being 'neutral ground' and we have recently discovered that is not correct. The hotel is owned by a company, Needham's Point, owned and controlled by the Government of Barbados. This fact alone creates a direct and insurmountable conflict of interest that makes it unacceptable. Under these circumstances, neither can we stay there, nor can we conduct examinations there.

To this date, we have not seen any evidence that the Defendants have any concern about our security, so I am surprised that it is suddenly being advanced by you as a consideration. The arrangements we have made are satisfactory to us.

The boardroom of Inn Chambers, a large professional law firm, is neutral ground in that there is no one in that firm who has a direct interest in the outcome of this action. It is staffed by legal professionals who understand that privacy and efficiency are paramount and, indeed, we are advised that arbitrations have been conducted there that were satisfactory to all concerned. At least one involved the Hilton Hotel itself.

In addition, an inspection of alterations at Inn Chambers has confirmed that the board room, which has been enlarged and made more secure than the original room that was contemplated, is perfect from the point of view of facilities. It is also quite a bit less expensive and we have been assured of the staff's co-operation if services are required. With the arrangements that have been made, the issue of escape routes is a non-factor.

The date has already passed by which I had asked Mr. Schabas to bring a motion. If you or any other counsel wish to bring a motion, please do so on a date when I am available. I will insist, once more, that it be supported by an affidavit from whichever affiant feels unable to attend at Inn Chambers as I intend to cross-examine promptly.

Yours very truly,

CRAWFORD, MCKENZIE, McLEAN,
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