
From: Caines, Wayne M .
Sent: Monday, February 11, 2019 6:47 PM
To: Simmons, Kathy (Attorney General); Simmons, Jamahl S.
Cc: Brangman, Michael A.; Premier David Burt
Subject: RE: Pepper spray settlement.

Categories: Red Category

All,

Attribute the comments to me. And let her rock. Mike, reach out to ~~Stacy~~ directly via a call ~~Stacy~~

WC

From: Simmons, Kathy (Attorney General)
Sent: Monday, February 11, 2019 6:44 PM
To: Simmons, Jamahl S. <jssimmons@gov.bm>; Caines, Wayne M . <wmcaines@gov.bm>
Cc: Brangman, Michael A. <mabrangman@gov.bm>
Subject: FW: Pepper spray settlement.

Note second para – change “have” to “has”

From: Dill-Francois, Shakira J.
Sent: Monday, February 11, 2019 6:39 PM
To: Simmons, Kathy (Attorney General) <klsimmons@gov.bm>
Subject: Re: Pepper spray settlement.

As a result of the December 2, 2016, protest outside the House of Assembly, a number of Applicants sought to pursue legal action against the Police Complaints Authority.

In a effort to settle this matter the Ministry of National Security engaged in discussions with the Applicants and have come to an amicable conclusion.

However due to the nature of this agreement the Ministry is unable to comment any further.

Sent from my iPhone

On 11 Feb 2019, at 6:11 PM, Simmons, Kathy (Attorney General) <klsimmons@gov.bm> wrote:

Please revise.

From: Brangman, Michael A.

Sent: Monday, February 11, 2019 5:33 PM

To: Caines, Wayne M. <wmcaines@gov.bm>; Anderson, Collin J. <cjanderson@gov.bm>

Cc: Simmons, Jamahl S. <jssimmons@gov.bm>; Wilson, Aderonke B. <abwilson@gov.bm>; Dill-Francois, Shakira J. <sjdill@gov.bm>; Simmons, Kathy (Attorney General) <klsimmons@gov.bm>; O'Brien, Marva <mjobrien@gov.bm>

Subject: FW: Pepper spray settlement.

Good afternoon All,

Please see questions below from *extern*

Based on my limited understanding of this matter, I've started drafting a response as follows.

"As a result of the December 2, 2016, protest outside the House of Assembly, legal action was proceeding against multiple defendants.

Outside of these proceedings, the defendants and government held discussions.

At the conclusion of those discussions, it was mutually agreed by all parties, to settle out of the courts.

This settlement is a legally binding agreement which prohibits all parties, from divulging the details or nature of the settlement.

As such, the Ministry of National Security is unable to comment any further on this matter.

****ENDS****

Regards,

<image001.jpg>

Michael A. Brangman

Communications Officer

Government of Bermuda | **Department of Communications**

Global House, Ground Floor | 43 Church Street | Hamilton, Bermuda
HM12

Extension: 2101

Direct Telephone: 441 297 7599 | E: mabrangman@gov.bm

Direct Department of Communications Line: 441 292 5998

From: *extern*

Sent: Monday, February 11, 2019 3:44 PM

To: Brangman, Michael A. <mabrangman@gov.bm>

Cc: *extern*

Subject: Pepper spray settlement.

Hi Michael,

I understand the BPS and victims who were pepper sprayed during the December 2nd, 2016 protest have come to a settlement out of court.

Can the Ministry of National Security please reveal the nature of that settlement?

Was it a financial settlement?

Will the Ministry please state how many victims there were?

Can the Ministry please say whether each victim was compensated and to the tune of how much?

Hoping to hear back from you soon

Respectfully,

From: Simmons, Kathy (Attorney General)
Sent: Wednesday, January 30, 2019 1:29 PM
To: Manders, Anthony; Caines, Wayne M.; Premier David Burt
Cc: Dill-Francois, Shakira J.; Anderson, Collin J.; Telemaque, Marc
Subject: RE: Police Complaints Authority matter

Categories: Red Category

Noted.

Regards,

A-G



Senator the Honourable Kathy L. Simmons, JP
Attorney-General and Minister of Legal Affairs
Government of Bermuda | **Ministry of Legal Affairs**
Global House, 4th Floor | 43 Church Street | Hamilton, Bermuda HM12

Email: klsimmons@gov.bm
Attorney-General's Chambers Direct Line: (441) 292-2463
gov.bm

Save paper. Think before you print

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From: Manders, Anthony
Sent: Tuesday, January 29, 2019 8:43 AM
To: Caines, Wayne M. <wmcaines@gov.bm>; Premier David Burt <dburt@gov.bm>
Cc: Dill-Francois, Shakira J. <sjdill@gov.bm>; Simmons, Kathy (Attorney General) <klsimmons@gov.bm>; Anderson, Collin J. <cjanderson@gov.bm>; Telemaque, Marc <mtelemaque@gov.bm>
Subject: RE: Police Complaints Authority matter

Good morning Minister and AG and colleagues,

I advised Collin yesterday to use the Contingencies Fund in order to make the payment and the process.

As this is a legal settlement payment approved by Cabinet there are no issues with FI.

AM

From: Caines, Wayne M .

Sent: Tuesday, January 29, 2019 7:39 AM

To: Premier David Burt

Cc: Dill-Francois, Shakira J.; Simmons, Kathy (Attorney General); Anderson, Collin J.; Telemaque, Marc; Manders, Anthony

Subject: Re: Police Complaints Authority matter

PS,

The main effort today:

1) an email to ~~EXEMPT~~ confirming a date and when (a) the Police complaints authority (b) ~~EXEMPT~~ on behalf of the 27 can file notices of discontinuance (~~EXEMPT~~ must have someone from his firm action in his absence)

2) confirm date and time when we can see sign letters from the 27 - confidentiality and full and final settlement.
(~~EXEMPT~~ must have someone action in his absence)

Can you also call ~~EXEMPT~~ and let him know where we are in the process.

3) PS you must write a briefing note outlining the process and what has transpired- so you can give the supporting documentation (from ~~EXEMPT~~) to the FS for his records to ensure we are following Financial Instructions

The Hon Wayne M. Caines JP MP

Minister of National Security

The Government of Bermuda ~~EXEMPT~~

On Jan 29, 2019, at 7:29 AM, Premier David Burt <dburt@gov.bm> wrote:

Thanks Minister,

Monies were to come from the contingencies fund.

Premier

E. David Burt, JP, MP

Premier

Government of Bermuda

105 Front Street | Hamilton HM 12 | Bermuda

Phone: 441 292-5501

From: wmcaines@gov.bm

Sent: 29 January 2019 7:27 am

To: sjdill@gov.bm

Cc: dburt@gov.bm; klsimmons@gov.bm; cjanderson@gov.bm; mtelemaque@gov.bm; amanders@gov.bm

Subject: Re: Police Complaints Authority matter

All,

We have finished all the legal elements of the 12/2 settlement:

1) sign notice of discontinuance ~~Exempt~~ is off island)

2) we are waiting to confirm where funds will come from so we can remit payment. ?can we get the confirmation today ?

3) the 27 people must sign a no. Disclosure/ full and final payment document

~~Exempt~~ is off island,

The Hon Wayne M. Caines JP MP
Minister of National Security
The Government of Bermuda

On Jan 22, 2019, at 4:03 PM, Dill-Francois, Shakira J. <sjdill@gov.bm> wrote:

Good day Minister Caines,

The AG has contacted me to discuss this matter and has instructed me to advise that the best course of action would be as follows:

1. Settle with the 27 Applicants forthwith - if the case is settled with the 27 persons, we can request that a Discontinuance be filed with the court leaving only 1 name on the case (~~Exempt~~); and
2. Proceed with the strike-out application for ~~Exempt~~ or
3. Leave the case dormant with just his name remaining (as it is unlikely that he will have the ability to proceed especially if ~~Exempt~~ is no longer on the case).

I trust that this assists.

Regards,

<[image001.jpg](#)>

Shakira J. Dill-Francois B.A, LL.B, LL.M

Deputy Solicitor General

Government of Bermuda | **Attorney-General's Chambers**

Global House, 4th Floor | 43 Church Street | Hamilton, Bermuda HM12

Extension: 1643

Direct Telephone: 441 297 7643 | Cell: 441 595 6767 | Email: sjdill@gov.bm

Attorney-General's Chambers Direct Line: 441 292 2463

www.gov.bm

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From: Caines, Wayne M .

Sent: Tuesday, January 22, 2019 2:50 PM

To: ~~exempt~~

Cc: Premier David Burt <dburt@gov.bm>; Simmons, Kathy (Attorney General)

<klsimmons@gov.bm>; ~~exempt~~

~~exempt~~

~~exempt~~

; Anderson, Collin J. <cjanderson@gov.bm>; Dill-

Francois, Shakira J. <sjdill@gov.bm>

Subject: Re: Police Complaints Authority matter

Sir,

You are right, it has taken too long. You have been very patient and we appreciate it.

We are almost there.

This is significant for all of us. We will work really hard to have this sorted this week.

WC

The Hon Wayne M. Caines JP MP

Minister of National Security

The Government of Bermuda

On Jan 22, 2019, at 7:24 PM, *EXEMPT*

Good day Minister

With respect, No one wants the Government to rush through the process
however this matter has taken far too long resolve

From: Caines, Wayne M . [<mailto:wmcaines@gov.bm>]

Sent: Tuesday, January 22, 2019 2:19 PM

To: *EXEMPT*

Cc: Premier David Burt; Simmons, Kathy (Attorney General); *EXEMPT*
EXEMPT ; Anderson, Collin J.

Subject: Re: Police Complaints Authority matter

All,

I have spent the majority of the day on the phone with *EXEMPT*, Ms
Dill, PS Anderson, and *EXEMPT*.

We are working out the finer points. This Matter remains a priority. We
are hoping to have a resolution this week.

I know that everyone wants to have the Matter resolved. I do too.

I will not however rush through the process and leave the Government exposed.

Again, all the key players are engaged, and we are almost there.

WC

The Hon Wayne M. Caines JP MP

Minister of National Security

The Government of Bermuda *EXEMPT*

On Jan 21, 2019, at 10:39 PM, *EXEMPT*

wrote:

Good Day Premier

I just arrive back in office today and was told by Sister Laverne this is still not settled.

I spoke with *EXEMPT* today he informed me that he has provided *EXEMPT* with everything that he needs.

I would have thought that after your email below which states, **"This saga has been going on for far too long. Ministers, I want a definitive resolution for this issue by the end of the week"**. The week has come and gone with no resolution.

~~EXEMPT~~ leaves for the privy council on Thursday and he was hoping to have this matter concluded before he leaves.

Not sure what it is going to take to FINALLY RESOLVE this matter.

Premier, whatever you can do to assist would be much appreciated, thank you

From: Premier David Burt [<mailto:dburt@gov.bm>]
Sent: Tuesday, January 8, 2019 4:58 PM
To: Simmons, Kathy (Attorney General); Caines, Wayne M .
Cc: ~~EXEMPT~~
Subject: RE: Police Complaints Authority matter
Importance: High

Good Afternoon All.

This saga has been going on for far too long. Ministers, I want a definitive resolution for this issue by the end of the week.

If we can deal with matters relating to economic substance, and rush to complete things for persons who didn't support us, I cannot for the life of me understand why this is taking so long.

Let's get this done.

Regards,

Premier

From: exempt
Sent: Tuesday, January 8, 2019 9:07 AM
To: Premier David Burt <dburt@gov.bm>;
exempt
Cc: Simmons, Kathy (Attorney General)
<klsimmons@gov.bm>; exempt
exempt
Subject: FW: Police Complaints Authority matter

Good Morning Premier,

Can you please look into this matter. Something seems amiss.

exempt

From: exempt
Sent: Monday, January 7, 2019 4:41 PM
To: exempt
Subject: RE: Police Complaints Authority matter

Your email was down earlier.

From: exempt
Sent: Monday, January 07, 2019 7:48 AM
To: exempt
exempt
Subject: FW: Police Complaints Authority matter

~~exempt~~

As of today the 7th of January, the lawyers Government says it has instructed for the Police Complaints Authority still do not have instructions.

Kind regards

From: ~~exempt~~
~~exempt~~

Sent: Monday, January 07, 2019 7:36 AM

To: ~~exempt~~

Subject: RE: Police Complaints Authority matter

Apologies but I am still waiting for instructions from Bermuda. Will chase today and get back to you.

[<image001.jpg>](#)

~~exempt~~

~~exempt~~

From: ~~exempt~~

Sent: 03 January 2019 10:29

To: ~~exempt~~

Subject: RE: Police Complaints Authority matter

Certainly.

From: ~~exempt~~
~~exempt~~

Sent: Thursday, January 03, 2019 10:28 AM
To:
Subject: Re: Police Complaints Authority matter

~~OKemp~~ am in meetings in London - can we speak tomorrow?

~~OKemp~~

From: ~~OKemp~~

Date: Thu, 3 Jan 2019 14:12:28 +0000

To: ~~OKemp~~

Subject: Police Complaints Authority matter

Happy New Year

Any idea when we will settle the litigation, discontinue the action so my clients can get paid? I know you have just been instructed however my clients are really frustrated with the pace at which the settlement is moving.

Kind regards

From: Caines, Wayne M .
Sent: Tuesday, January 29, 2019 7:28 AM
To: Dill-Francois, Shakira J.
Cc: Premier David Burt; Simmons, Kathy (Attorney General); Anderson, Collin J.; Telemaque, Marc; Manders, Anthony
Subject: Re: Police Complaints Authority matter
Categories: Red Category

All,

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- 1) sign notice of discontinuance (~~EXEMPT~~ is off island)
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- 3) the 27 people must sign a no. Disclosure/ full and final payment document

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The Hon Wayne M. Caines JP MP
Minister of National Security
The Government of Bermuda ~~EXEMPT~~

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I trust that this assists.

Regards,

<image001.jpg> **Shakira J. Dill-Francois B.A, LL.B, LL.M**
Deputy Solicitor General
Government of Bermuda | **Attorney-General's Chambers**
Global House, 4th Floor | 43 Church Street | Hamilton, Bermuda HM12

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From: Caines, Wayne M .

Sent: Tuesday, January 22, 2019 2:50 PM

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Cc: Premier David Burt <dburt@gov.bm>; Simmons, Kathy (Attorney General) <klsimmons@gov.bm>; ~~exempt~~

~~exempt~~ →

~~exempt~~

; Anderson, Collin J. <cjanderson@gov.bm>; Dill-Francois, Shakira J.

<sjdill@gov.bm>

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We are almost there.

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The Hon Wayne M. Caines JP MP
Minister of National Security
The Government of Bermuda

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From: Caines, Wayne M . [<mailto:wmcaines@gov.bm>]

Sent: Tuesday, January 22, 2019 2:19 PM

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~~exempt~~ → Anderson, Collin J.

Subject: Re: Police Complaints Authority matter

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~~exempt~~

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The Hon Wayne M. Caines JP MP
Minister of National Security
The Government of Bermuda

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I spoke with *exempt* today he informed me that he has provided *exempt* with everything that he needs.

I would have thought that after your email below which states, "This saga has been going on for far too long. Ministers, I want a definitive resolution for this issue by the end of the week". The week has come and gone with no resolution.

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From: Premier David Burt [<mailto:dburt@gov.bm>]
Sent: Tuesday, January 8, 2019 4:58 PM
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Cc: *exempt*
Subject: RE: Police Complaints Authority matter
Importance: High

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Let's get this done.

Regards,

Premier

From: ~~EXEMPT~~
Sent: Tuesday, January 8, 2019 9:07 AM
To: Premier David Burt <dburt@gov.bm>; ~~EXEMPT~~
Cc: Simmons, Kathy (Attorney General) <klsimmons@gov.bm>; ~~EXEMPT~~
~~EXEMPT~~
Subject: FW: Police Complaints Authority matter

Good Morning Premier,

Can you please look into this matter. Something seems amiss.

~~EXEMPT~~

From: ~~EXEMPT~~
Sent: Monday, January 7, 2019 4:41 PM
To: ~~EXEMPT~~
Subject: RE: Police Complaints Authority matter

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Sent: Monday, January 07, 2019 7:48 AM
To: ~~EXEMPT~~
Subject: FW: Police Complaints Authority matter

~~EXEMPT~~

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Kind regards

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To: ~~EXEMPT~~
Subject: RE: Police Complaints Authority matter

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<image001.png>

EXEMPT

EXEMPT

From: EXEMPT

Sent: 03 January 2019 10:29

To: EXEMPT

Subject: RE: Police Complaints Authority matter

Certainly.

From: EXEMPT

Sent: Thursday, January 03, 2019 10:28 AM

To: EXEMPT

Subject: Re: Police Complaints Authority matter

EXEMPT am in meetings in London - can we speak tomorrow?

EXEMPT

From: EXEMPT

Date: Thu, 3 Jan 2019 14:12:28 +0000

To: EXEMPT

Subject: Police Complaints Authority matter

Happy New Year EXEMPT

Any idea when we will settle the litigation, discontinue the action so my clients can get paid? I know you have just been instructed however my clients are really frustrated with the pace at which the settlement is moving.

Kind regards

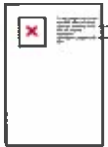
From: Anderson, Collin J.
Sent: Monday, January 28, 2019 7:45 PM
To: Telemaque, Marc
Cc: Manders, Anthony; Cartwright, Tarita M.
Subject: Re: Police Complaints Authority matter - Dec 2 Pepper Spray

Categories: Red Category

Yes. The settlement is agreed.

27 persons will receive the previously agreed settlement between the protesters, which is divided evenly.

The Minister will provide an update in tomorrow's Cabinet meeting.



Collin J. Anderson

Permanent Secretary

Government of Bermuda | **Ministry of National Security**

Church Street | Hamilton, Bermuda HM12

Telephone: 441 294 2799 | Email: cjanderson@gov.bm

Website: www.gov.bm

----- Original message -----

From: "Telemaque, Marc" <mtelemaque@gov.bm>
Date: 1/28/19 7:10 PM (GMT-04:00)
To: "Anderson, Collin J." <cjanderson@gov.bm>
Cc: "Manders, Anthony" <amanders@gov.bm>, "Cartwright, Tarita M." <tmcartwright@gov.bm>
Subject: Re: Police Complaints Authority matter - Dec 2 Pepper Spray

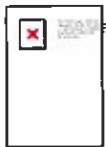
Does this mean that a settlement has been agreed? And if so on what terms and will Cabinet be so informed ?

MT

Sent from my iPhone

On Jan 28, 2019, at 6:49 PM, Anderson, Collin J. <cjanderson@gov.bm> wrote:

Noted. We will process the supplementary budget increase.



Collin J. Anderson
Permanent Secretary
Government of Bermuda | **Ministry of National Security**
Church Street | Hamilton, Bermuda HM12
Telephone: 441 294 2799 | Email: cjanderson@gov.bm
Website: www.gov.bm

----- Original message -----

From: "Manders, Anthony" <amanders@gov.bm>

Date: 1/28/19 6:46 PM (GMT-04:00)

To: "Anderson, Collin J." <cjanderson@gov.bm>, "Telemaque, Marc" <mtelemaque@gov.bm>

Cc: "Cartwright, Tarita M." <tmcartwright@gov.bm>

Subject: RE: Police Complaints Authority matter - Dec 2 Pepper Spray

By your Ministry at year-end.

If you don't have funds to replenish then we need to do a supplementary estimates.

It is recognized that this is an extraordinary payment and out of your Ministry's control and is justification for a S/E.

The Minister is aware.

My understanding is legally we have to pay this so there is no choice.

AM

From: Anderson, Collin J.

Sent: Monday, January 28, 2019 6:37 PM

To: Manders, Anthony; Telemaque, Marc

Cc: Cartwright, Tarita M.

Subject: RE: Police Complaints Authority matter - Dec 2 Pepper Spray

How is it replenished?

Collin J. Anderson

Government of Bermuda | Ministry of National Security

Telephone: 441 294 2799 | Email: cjanderson@gov.bm

From: Manders, Anthony

Sent: Monday, January 28, 2019 6:35 PM

To: Anderson, Collin J. <cjanderson@gov.bm>; Telemaque, Marc <mtelemaque@gov.bm>

Cc: Cartwright, Tarita M. <tmcartwright@gov.bm>

Subject: RE: Police Complaints Authority matter - Dec 2 Pepper Spray

Hi Collin,

For the sake of expediency, you can use the Contingency Fund to make this payment, but the money needs to be replenished at the year-end.

You can have your comptroller to call us.

AM

From: Anderson, Collin J.
Sent: Monday, January 28, 2019 6:25 PM
To: Manders, Anthony; Telemaque, Marc
Subject: Police Complaints Authority matter - Dec 2 Pepper Spray

Dear Mr. Manders and Mr. Telemaque:

There is the outstanding matter of the approximately 5 ~~persons~~ ^{EXEMPT} for a settlement for the protesters for the above captioned matter.

Please advise which Fund or Cost Center these funds will come from and the Financial Controller / contact person I should call to arrange for the transfer of the funds to ~~them~~ ^{EXEMPT} I have spoken to my Minister and Chambers and they have advised that I contact you directly.

Best regards,



Collin J. Anderson
Permanent Secretary
Government of Bermuda | **Ministry of National Security**
Church Street | Hamilton, Bermuda HM12

Telephone: 441 294 2799 | Mobile: 441 705 0439 |
Email: cjanderson@gov.bm | Website: www.gov.bm

From: Dill-Francois, Shakira J.
Sent: Tuesday, January 22, 2019 4:07 PM
To: Anderson, Collin J. <cjanderson@gov.bm>; O'Brien, Marva <mjobrien@gov.bm>
Subject: FW: Police Complaints Authority matter

FYI – please see below

From: Dill-Francois, Shakira J.
Sent: Tuesday, January 22, 2019 4:04 PM
To: Caines, Wayne M. <wmcaines@gov.bm>
Cc: Premier David Burt <dburt@gov.bm>; Simmons, Kathy (Attorney General) <klsimmons@gov.bm>
Subject: RE: Police Complaints Authority matter

Good day Minister Caines,

The AG has contacted me to discuss this matter and has instructed me to advise that the best course of action would be as follows:

1. Settle with the 27 Applicants forthwith - if the case is settled with the 27 persons, we can request that a Discontinuance be filed with the court leaving only 1 name on the case ~~person~~ ^{EXEMPT}; and
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3. Leave the case dormant with just his name remaining (as it is unlikely that he will have the ability to proceed especially if ~~person~~ ^{EXEMPT} is no longer on the case).

I trust that this assists.

Regards,

<image002.jpg> **Shakira J. Dill-Francois B.A, LL.B, LL.M**
Deputy Solicitor General
Government of Bermuda | **Attorney-General's Chambers**
Global House, 4th Floor | 43 Church Street | Hamilton, Bermuda HM12

Extension: 1643
Direct Telephone: 441 297 7643 | Cell: 441 595 6767 | Email: sjdill@gov.bm
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From: Caines, Wayne M .
Sent: Tuesday, January 22, 2019 2:50 PM
To: ~~Simon~~
Cc: Premier David Burt <dburt@gov.bm>; Simmons, Kathy (Attorney General) <klsimmons@gov.bm>;
~~Exempt~~ →
~~Simon~~ , Anderson, Collin J. <cjanderson@gov.bm>; Dill-Francois, Shakira J.
<sjdill@gov.bm>
Subject: Re: Police Complaints Authority matter

Sir,

You are right, it has taken too long. You have been very patient and we appreciate it.

We are almost there.

This is significant for all of us. We will work really hard to have this sorted this week.

WC

The Hon Wayne M. Caines JP MP
Minister of National Security
The Government of Bermuda

On Jan 22, 2019, at 7:24 PM, ~~Simon~~ wrote:

Good day Minister

With respect, No one wants the Government to rush through the process however this matter has taken far too long resolve

From: Caines, Wayne M . [mailto:wmcaines@gov.bm]

Sent: Tuesday, January 22, 2019 2:19 PM

To: ~~example~~

Cc: Premier David Burt; Simmons, Kathy (Attorney General); ~~example~~
Anderson, Collin J.

Subject: Re: Police Complaints Authority matter

All,

I have spent the majority of the day on the phone with ~~example~~ Ms Dill, PS Anderson , and ~~example~~

We are working out the finer points. This Matter remains a priority. We are hoping to have a resolution this week.

I know that everyone wants to have the Matter resolved. I do too.

I will not however rush through the process and leave the Government exposed.

Again, all the key players are engaged, and we are almost there.

WC

The Hon Wayne M. Caines JP MP
Minister of National Security
The Government of Bermuda

On Jan 21, 2019, at 10:39 PM, ~~example~~ > wrote:

Good Day Premier

I just arrive back in office today and was told by ~~example~~ this is still not settled.

I spoke with ~~example~~ today he informed me that he has provided ~~example~~ with everything that he needs.

I would have thought that after your email below which states, "This saga has been going on for far too long. Ministers, I want a definitive resolution for this issue by the end of the week". The week has come and gone with no resolution.

~~example~~ leaves for the privy council on Thursday and he was hoping to have this matter concluded before he leaves.

Not sure what it is going to take to FINALLY RESOLVE this matter.

Premier, whatever you can do to assist would be much appreciated, thank you

From: Premier David Burt [<mailto:dburt@gov.bm>]
Sent: Tuesday, January 8, 2019 4:58 PM
To: Simmons, Kathy (Attorney General); Caines, Wayne M .
Cc: ~~exempt~~
Subject: RE: Police Complaints Authority matter
Importance: High

Good Afternoon All.

This saga has been going on for far too long. Ministers, I want a definitive resolution for this issue by the end of the week.

If we can deal with matters relating to economic substance, and rush to complete things for persons who didn't support us, I cannot for the life of me understand why this is taking so long.

Let's get this done.

Regards,

Premier

From: ~~exempt~~
Sent: Tuesday, January 8, 2019 9:07 AM
To: Premier David Burt <dburt@gov.bm>; ~~exempt~~
Cc: Simmons, Kathy (Attorney General) <klsimmons@gov.bm>; Chris Furbert
~~exempt~~
Subject: FW: Police Complaints Authority matter

Good Morning Premier,

Can you please look into this matter. Something seems amiss.

~~exempt~~

From: ~~exempt~~
Sent: Monday, January 7, 2019 4:41 PM
To: ~~exempt~~
Subject: RE: Police Complaints Authority matter

Your email was down earlier.

From: ~~exempt~~
Sent: Monday, January 07, 2019 7:48 AM
To: ~~exempt~~
Subject: FW: Police Complaints Authority matter

~~exempt~~

As of today the 7th of January, the lawyers Government says it has instructed for the Police Complaints Authority still do not have instructions.

Kind regards

From: ~~example~~
Sent: Monday, January 07, 2019 7:36 AM
To: ~~example~~ >
Subject: RE: Police Complaints Authority matter

Apologies but I am still waiting for instructions from Bermuda. Will chase today and get back to you.

<image001.jpg>

~~example~~
~~example~~

From: ~~example~~
Sent: 03 January 2019 10:29
To: ~~example~~
Subject: RE: Police Complaints Authority matter

Certainly.

From: ~~example~~
Sent: Thursday, January 03, 2019 10:28 AM
To: ~~example~~
Subject: Re: Police Complaints Authority matter

~~example~~ am in meetings in London - can we speak tomorrow?

~~example~~

From: ~~example~~
Date: Thu, 3 Jan 2019 14:12:28 +0000
To: ~~example~~
Subject: Police Complaints Authority matter

Happy New Year .~~example~~

Any idea when we will settle the litigation, discontinue the action so my clients can get paid? I know you have just been instructed however my clients are really frustrated with the pace at which the settlement is moving.

Kind regards

From: Anderson, Collin J.
Sent: Monday, January 28, 2019 6:50 PM
To: Manders, Anthony; Telemaque, Marc
Cc: Cartwright, Tarita M.
Subject: Re: Police Complaints Authority matter - Dec 2 Pepper Spray

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Red Category

Noted. We will process the supplementary budget increase.

Collin J. Anderson

Permanent Secretary
Government of Bermuda | **Ministry of National Security**
Church Street | Hamilton, Bermuda HM12
Telephone: 441 294 2799 | Email: cjanderson@gov.bm
Website: www.gov.bm

----- Original message -----

From: "Manders, Anthony" <amanders@gov.bm>
Date: 1/28/19 6:46 PM (GMT-04:00)
To: "Anderson, Collin J." <cjanderson@gov.bm>, "Telemaque, Marc" <mtelemaque@gov.bm>
Cc: "Cartwright, Tarita M." <tmcartwright@gov.bm>
Subject: RE: Police Complaints Authority matter - Dec 2 Pepper Spray

By your Ministry at year-end.

If you don't have funds to replenish then we need to do a supplementary estimates.

It is recognized that this is an extraordinary payment and out of your Ministry's control and is justification for a S/E.

The Minister is aware.

My understanding is legally we have to pay this so there is no choice.

AM

From: Anderson, Collin J.
Sent: Monday, January 28, 2019 6:37 PM
To: Manders, Anthony; Telemaque, Marc
Cc: Cartwright, Tarita M.
Subject: RE: Police Complaints Authority matter - Dec 2 Pepper Spray

How is it replenished?

Collin J. Anderson

Government of Bermuda | Ministry of National Security
Telephone: 441 294 2799 | Email: cjanderson@gov.bm

From: Manders, Anthony

Sent: Monday, January 28, 2019 6:35 PM

To: Anderson, Collin J. <cjanderson@gov.bm>; Telemaque, Marc <mtelemaque@gov.bm>

Cc: Cartwright, Tarita M. <tmcartwright@gov.bm>

Subject: RE: Police Complaints Authority matter - Dec 2 Pepper Spray

Hi Collin,

For the sake of expediency, you can use the Contingency Fund to make this payment, but the money needs to be replenished at the year-end.

You can have your comptroller to call us.

AM

From: Anderson, Collin J.

Sent: Monday, January 28, 2019 6:25 PM

To: Manders, Anthony; Telemaque, Marc

Subject: Police Complaints Authority matter - Dec 2 Pepper Spray

Dear Mr. Manders and Mr. Telemaque:

There is the outstanding matter of the approximately *EXEMPT* or a settlement for the protesters for the above captioned matter.

Please advise which Fund or Cost Center these funds will come from and the Financial Controller / contact person I should call to arrange for the transfer of the funds to *EXEMPT*. I have spoken to my Minister and Chambers and they have advised that I contact you directly.

Best regards,



Collin J. Anderson

Permanent Secretary
Government of Bermuda | **Ministry of National Security**
Church Street | Hamilton, Bermuda HM12

Telephone: 441 294 2799 | Mobile: 441 705 0439 |
Email: cjanderson@gov.bm | Website: www.gov.bm

From: Dill-Francois, Shakira J.

Sent: Tuesday, January 22, 2019 4:07 PM

To: Anderson, Collin J. <cjanderson@gov.bm>; O'Brien, Marva <mjobrien@gov.bm>

Subject: FW: Police Complaints Authority matter

FYI – please see below

From: Dill-Francois, Shakira J.
Sent: Tuesday, January 22, 2019 4:04 PM
To: Caines, Wayne M. <wmcaines@gov.bm>
Cc: Premier David Burt <dburt@gov.bm>; Simmons, Kathy (Attorney General) <klsimmons@gov.bm>
Subject: RE: Police Complaints Authority matter

Good day Minister Caines,

The AG has contacted me to discuss this matter and has instructed me to advise that the best course of action would be as follows:

1. Settle with the 27 Applicants forthwith - if the case is settled with the 27 persons, we can request that a Discontinuance be filed with the court leaving only 1 name on the case (~~exempt~~); and
2. Proceed with the strike-out application for ~~exempt~~ or
3. Leave the case dormant with just his name remaining (as it is unlikely that he will have the ability to proceed especially if ~~exempt~~ is no longer on the case).

I trust that this assists.

Regards,



Shakira J. Dill-Francois B.A, LL.B, LL.M
Deputy Solicitor General
Government of Bermuda | **Attorney-General's Chambers**
Global House, 4th Floor | 43 Church Street | Hamilton, Bermuda HM12

Extension: 1643
Direct Telephone: 441 297 7643 | Cell: 441 595 6767 | Email: sjdill@gov.bm
Attorney-General's Chambers Direct Line: 441 292 2463
www.gov.bm

This e-mail including any attachments ("e-mail") is intended only for the attention of the addressee(s). Its unauthorised use, disclosure, storage or copying is not permitted. This e-mail may be subject to client-solicitor privilege. If you are not the intended recipient, please destroy all copies and inform the sender by return e-mail. This e-mail may also be eligible for exemption from disclosure under the Public Access to Information Act 2010 ("Act"). As such, please notify the Attorney-General's Chambers PATI Officer should any request be made under this Act for disclosure which would concern this e-mail.

From: Caines, Wayne M.
Sent: Tuesday, January 22, 2019 2:50 PM
To: ~~exempt~~
Cc: Premier David Burt <dburt@gov.bm>; Simmons, Kathy (Attorney General) <klsimmons@gov.bm> ~~EXEMPT~~
~~exempt~~ ~~_____~~
Anderson, Collin J. <cjanderson@gov.bm>; Dill-Francois, Shakira J. <sjdill@gov.bm>
Subject: Re: Police Complaints Authority matter

Sir,

You are right, it has taken too long. You have been very patient and we appreciate it.

We are almost there.

This is significant for all of us. We will work really hard to have this sorted this week.

WC

The Hon Wayne M. Caines JP MP
Minister of National Security
The Government of Bermuda

On Jan 22, 2019, at 7:24 PM, *exempt* wrote:

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To: *exempt*

Cc: Premier David Burt; Simmons, Kathy (Attorney General); *exempt* ; *exempt* ; *exempt* Anderson, Collin J.

Subject: Re: Police Complaints Authority matter

All,

I have spent the majority of the day on the phone with *exempt* Ms Dill, PS Anderson , and *exempt* .

We are working out the finer points. This Matter remains a priority. We are hoping to have a resolution this week.

I know that everyone wants to have the Matter resolved. I do too.

I will not however rush through the process and leave the Government exposed.

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Minister of National Security
The Government of Bermuda

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From: Premier David Burt [<mailto:dburt@gov.bm>]
Sent: Tuesday, January 8, 2019 4:58 PM
To: Simmons, Kathy (Attorney General); Caines, Wayne M .
Cc: ~~Exempt~~
Subject: RE: Police Complaints Authority matter
Importance: High

Good Afternoon All.

This saga has been going on for far too long. Ministers, I want a definitive resolution for this issue by the end of the week.

If we can deal with matters relating to economic substance, and rush to complete things for persons who didn't support us, I cannot for the life of me understand why this is taking so long.

Let's get this done.

Regards,

Premier

From: ~~Exempt~~
Sent: Tuesday, January 8, 2019 9:07 AM
To: Premier David Burt <dburt@gov.bm>; ~~Exempt~~
Cc: Simmons, Kathy (Attorney General) <klsimmons@gov.bm>; ~~Exempt~~
~~Exempt~~
Subject: FW: Police Complaints Authority matter

Good Morning Premier,

Can you please look into this matter. Something seems amiss.

~~Exempt~~

From: ~~Exempt~~
Sent: Monday, January 7, 2019 4:41 PM

To: ~~exempt~~

Subject: RE: Police Complaints Authority matter

Your email was down earlier.

From: ~~exempt~~

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~~exempt~~

As of today the 7th of January, the lawyers Government says it has instructed for the Police Complaints Authority still do not have instructions.

Kind regards

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Subject: RE: Police Complaints Authority matter

Apologies but I am still waiting for instructions from Bermuda. Will chase today and get back to you.

<image001.jpg>

~~exempt~~

~~exempt~~

From: ~~exempt~~

Sent: 03 January 2019 10:29

To: ~~exempt~~

Subject: RE: Police Complaints Authority matter

Certainly.

From: ~~exempt~~

Sent: Thursday, January 03, 2019 10:28 AM

To: ~~exempt~~

Subject: Re: Police Complaints Authority matter

~~exempt~~ am in meetings in London - can we speak tomorrow?

~~exempt~~

From: ~~exempt~~

Date: Thu, 3 Jan 2019 14:12:28 +0000

To: ~~exempt~~

Subject: Police Complaints Authority matter

Happy New Year

Any idea when we will settle the litigation, discontinue the action so my clients can get paid? I know you have just been instructed however my clients are really frustrated with the pace at which the settlement is moving.

Kind regards

From: Anderson, Collin J.
Sent: Tuesday, January 22, 2019 9:46 AM
To: O'Brien, Marva; Manders, Anthony
Cc: Binns, Derrick Dr.; Whitter, Cherie-lynn; Simmons, Kathy (Attorney General); Caines, Wayne M .; Telemaque, Marc
Subject: RE: Pepper spray incident
Importance: High
Categories: Red Category

I would appreciate support from Government to fund this matter. I will not be in a position to execute any agreement with ASW without the funds to do so. Please note that this is currently an open-ended engagement.

I have copied in Mr. Manders to obtain the Minister of Finance's view on this matter.

Best regards,
Collin

Collin J. Anderson
Government of Bermuda | Ministry of National Security
Telephone: 441 294 2799 | Email: cjanderson@gov.bm

From: O'Brien, Marva
Sent: Tuesday, January 22, 2019 9:44 AM
To: Anderson, Collin J. <cjanderson@gov.bm>
Cc: Binns, Derrick Dr. <dsbinns@gov.bm>; Whitter, Cherie-lynn <clwhitter@gov.bm>; Simmons, Kathy (Attorney General) <klsimmons@gov.bm>; Caines, Wayne M . <wmcaines@gov.bm>; Telemaque, Marc <mtelemaque@gov.bm>
Subject: RE: Pepper spray incident

Hello PS Anderson,

The status of this matter has been communicated to the A-G and she has requested that you provide a definitive date for the completion of these outstanding administrative today. I have copied the Minister of National Security at the A-G's request.



Marva-Jean O'Brien
Permanent Secretary
Government of Bermuda | **Ministry of Legal Affairs** |
Global House | 43 Church St. | Hamilton HM 12, Bermuda
Telephone: 441 292-2463 | E: mjobrien@gov.bm

From: Anderson, Collin J.
Sent: Tuesday, January 22, 2019 9:31 AM
To: Telemaque, Marc; O'Brien, Marva
Cc: Binns, Derrick Dr.; Whitter, Cherie-lynn
Subject: RE: Pepper spray incident

1. We have reached out to ~~exempt~~ last week to have amendments made to the Letter of Engagement. I followed up with ~~exempt~~ yesterday and today.
2. I also obtained clearance from the Chair of the Police Complaints Authority for National Security to engage ~~exempt~~ on the PCA's behalf.
3. Additionally, I have now been briefed on the matter and been provided with the Judicial Review document, which I am reviewing.
4. We are also trying to find the funds for the legal fees from within the Ministry, which is presenting a formidable challenge.

I will also ask my Minister to update the Premier when they are both back in office.

Collin J. Anderson
Government of Bermuda | Ministry of National Security
Telephone: 441 294 2799 | Email: cjanderson@gov.bm

From: Telemaque, Marc
Sent: Tuesday, January 22, 2019 9:28 AM
To: O'Brien, Marva <mjobrien@gov.bm>; Anderson, Collin J. <cjanderson@gov.bm>
Cc: Binns, Derrick Dr. <dsbinns@gov.bm>; Whitter, Cherie-lynn <clwhitter@gov.bm>
Subject: RE: Pepper spray incident

I cannot begin to tell you how annoyed I am at NOT receiving a substantive answer to this most basic query from either of you.

MT

From: O'Brien, Marva
Sent: Tuesday, January 22, 2019 9:26 AM
To: Telemaque, Marc <mtelemaque@gov.bm>; Anderson, Collin J. <cjanderson@gov.bm>
Subject: RE: Pepper spray incident

CS,

I understand that PS Anderson is currently in communication with ~~exempt~~ regarding legal representation. However, he is better suited to advise as to the current status of this matter.

mjo

From: Telemaque, Marc
Sent: Monday, January 21, 2019 3:20 PM
To: Anderson, Collin J.; O'Brien, Marva
Subject: Pepper spray incident
Importance: High

Colleagues, I am still awaiting an update or some clear indication of the status of this matter. Please advise asap.

MT

From: Caines, Wayne M .
Sent: Friday, January 4, 2019 12:44 PM
To: Telemaque, Marc; Simmons, Kathy (Attorney General)
Cc: ~~Exempt~~
Subject: RE: Settlement - payout / update

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Red Category

Hi Marc,

The Matters are with ~~Exempt~~. They are out of office until Monday. FYI: we tried to Discuss the Matter prior to Christmas, we we were informed that ~~Exempt~~ was off island . We could not advance the matter prior to the Holiday. I am afraid there will not be any movement until our lawyers are able to talk with ~~Exempt~~ early next week.

wC

From: Telemaque, Marc
Sent: Friday, January 4, 2019 12:10 PM
To: Simmons, Kathy (Attorney General) <ksimmons@gov.bm>; Caines, Wayne M . <wmcaines@gov.bm>
Subject: Settlement - payout / update
Importance: High

Madame Attorney / Minister, I have taken a call from one of the applicants in the matter of the 'pepper-spray' incident inquiring of the status of the matter. I undertook to either revert with more information or ensure a call was received to update on matters. Are you able to advise on the status of the matter ?

Many thanks,

MT

From: Telemaque, Marc
Sent: Friday, December 7, 2018 11:07 AM
To: Hayward, Carol B.
Subject: FW: Letter from Parliamentary Joint Select Committee
Attachments: 181205 Maj. M. Telemaque.pdf

Categories: Red Category



From: *EXEMPT*
Sent: Thursday, December 6, 2018 5:21 PM
To: Telemaque, Marc <mtelemaque@gov.bm>
Subject: Letter from Parliamentary Joint Select Committee

Good evening Maj. Telemaque:

Please find attached a letter sent on behalf of Mr. H.K.E. Swan, Chairman of the Parliamentary Joint Select Committee examining the incident at the House of Assembly grounds on December 2nd 2016.

Regards

EXEMPT



*House of Assembly
Bermuda*

5th December 2018

Maj. Marc T. Telemaque LVO, ED, JP, pmsc
Secretary to the Cabinet
The Cabinet Office
105 Front Street
Hamilton HM 12

Dear Maj. Telemaque:

I am writing in my capacity as Chairman of the Parliamentary Joint Select Committee (PJSC) examining the incident at the House of Assembly grounds on December 2nd 2016.

During a recent interview with former Premier M.H. Dunkley, the PJSC learned that on the morning of December 2nd 2016, a number of Cabinet Ministers and other members of the then [One Bermuda Alliance] Government were assembled with the former Premier at the temporary Cabinet Office on Reid Street. Although the former Premier did not recall the names of all who were present, he did suggest that his Personal Administrator, Mrs. Carol Hayward, would perhaps be able to provide that information to the PJSC.

Therefore, we would be most appreciative if you could have Mrs. Hayward provide as comprehensive a list as possible of the names of all persons whom she recalls as being present with the former Premier on that day.

It would be useful if Mrs. Hayward could email the information to the Consultant Clerk at adyertucker@gov.bm on or before Friday, 14th December 2018.

Sincerely

A handwritten signature in black ink, appearing to be 'H.K. E. Swan', followed by a long horizontal line.

H.K. E. Swan
Chairman

From: Telemaque, Marc
Sent: Friday, June 8, 2018 2:09 PM
To: *EXEMPT*
Subject: CAB 22 (DRAFT) MB
Attachments: CAB 22 (DRAFT) MB.docx

Importance: High

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Red Category

Revised. Two requirements:

1. Cab Memo No. for the settlement payout to *EXEMPT*; and
2. The numbering under #14 Communications with the Governor should be made Roman numerals.

MT

From: Telemaque, Marc
Sent: Wednesday, June 6, 2018 10:30 AM
To: *EXEMPT*
Subject: FW: FINAL Cab Memo -Ex Gratia Payment - *EXEMPT* (4Jun 2018)
Attachments: FINAL Cab Memo -Ex Gratia Payment - *EXEMPT* (4Jun 2018).docx

Importance: High

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Red Category

One

From: *EXEMPT*
Sent: Tuesday, June 5, 2018 10:09 AM
To: Telemaque, Marc <mtelemaque@gov.bm>
Cc: Simmons, Kathy (Attorney General) <klsimmons@gov.bm>
Subject: FINAL Cab Memo -Ex Gratia Payment - *EXEMPT* (4Jun 2018)
Importance: High

AS REQUESTED...

From: Telemaque, Marc
Sent: Tuesday, June 5, 2018 11:30 AM
To: *EXEMPT*
Subject: FW: FINAL Cab Memo -Ex Gratia Payment - *EXEMPT* (4Jun 2018)
Attachments: FINAL Cab Memo -Ex Gratia Payment - *EXEMPT* 4Jun 2018).docx

Importance: High

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Red Category

Fyi

From: *EXEMPT*
Sent: Tuesday, June 5, 2018 10:09 AM
To: Telemaque, Marc <mtelemaque@gov.bm>
Cc: Simmons, Kathy (Attorney General) <klsimmons@gov.bm>
Subject: FINAL Cab Memo -Ex Gratia Payment - *EXEMPT* (4Jun 2018)
Importance: High

AS REQUESTED...

From: Telemaque, Marc
Sent: Tuesday, June 5, 2018 10:16 AM
To: Hayward, Carol B.
Subject: Re: Cabinet Memorandum and Annex 1 - Settlement Payment to Trott & Duncan *OK*
Categories: Red Category

Copies are fine. Thanks.

Sent from my iPhone

On Jun 5, 2018, at 10:15 AM, Hayward, Carol B. <cbhayward@gov.bm> wrote:

CS,

I can prepare it however I am not familiar with BoardVantage so I am not able to put it on there.

C.

<image001.jpg> **Carol Hayward**
Executive Assistant to the Premier
Government of Bermuda | The Cabinet Office
105 Front Street | Hamilton HM 12 | Bermuda
Direct: 441 297-7563
Email: cbhayward@gov.bm

From: Telemaque, Marc
Sent: Tuesday, June 05, 2018 10:02 AM
To: Hayward, Carol B. <cbhayward@gov.bm>
Subject: Fwd: Cabinet Memorandum and Annex 1 - Settlement Payment to Trott & Duncan

CH, you will soon be rid of me. Smile. Is it possible to prepare this Paper for today's consideration ?

Sent from my iPhone

Begin forwarded message:

From: "Simmons, Kathy (Attorney General)" <klsimmons@gov.bm>
Date: June 4, 2018 at 9:55:41 PM ADT
To: Premier David Burt <dburt@gov.bm>, "Caines, Wayne M ." <wmcaines@gov.bm>
Cc: "Telemaque, Marc" <mtelemaque@gov.bm>
Subject: Fwd: Cabinet Memorandum and Annex 1 - Settlement Payment to Trott & Duncan

Premier, Minister,

As requested, please see the attached paper for your review and comment.

Premier, with your indulgence we can discuss the paper tomorrow if there are no extensive amendments. Please note that a fulsome discussion should be had re: how this proposed course of action relates to the JSC which is considering this matter at present.

A-G

Sent from my iPhone

Begin forwarded message:

From: "DelValle, Kristina" <kdelvall@gov.bm>
Date: 4 June 2018 at 7:30:29 PM GMT-3
To: "Simmons, Kathy (Attorney General)" <klsimmons@gov.bm>
Subject: Cabinet Memorandum and Annex 1 - Settlement Payment to Trott & Duncan

Good Day AG:

As requested, please find enclosed the captioned documents for your attention.

Kind regards,

From: Telemaque, Marc
Sent: Tuesday, June 5, 2018 10:02 AM
To: Hayward, Carol B.
Subject: Fwd: Cabinet Memorandum and Annex 1 - Settlement Payment to Trott & Duncan *Blompt*
Attachments: image001.png; Untitled attachment 00116.html; Cab Memo - Settlement Payment to Trott & Duncan (4June2018).pdf; Untitled attachment 00119.html; Untitled attachment 00122.pdf; Untitled attachment 00125.html

Categories: Red Category

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Date: June 4, 2018 at 9:55:41 PM ADT
To: Premier David Burt <dburt@gov.bm>, "Caines, Wayne M ." <wmcaines@gov.bm>
Cc: "Telemaque, Marc" <mtelemaque@gov.bm>
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A-G

Sent from my iPhone

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Subject: Cabinet Memorandum and Annex 1 - Settlement Payment to Trott & Duncan

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As requested, please find enclosed the captioned documents for your attention.

Kind regards,

From: Telemaque, Marc
Sent: Friday, March 30, 2018 9:32 AM
To: Caines, Wayne M .
Subject: Fwd: Civil Jurisdiction 2018 : No 25 - Wales et al v PCA
Attachments: image001.jpg; image002.png; image003.png; image004.png; image005.jpg

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Red Category

His reply Minister.

Sent from my iPhone

Begin forwarded message:

From: "Elkinson, Jeffrey" <~~EXEMPT~~>
Date: March 29, 2018 at 5:04:55 PM ADT
To: "Telemaque, Marc" <mtelemaque@gov.bm>
Cc: "Rankin, John J." <jjrankin@gov.bm>, "Dill-Francois, Shakira J./14699" <sjdill@gov.bm>, ' <~~EXEMPT~~>, ' <~~EXEMPT~~>

Subject: RE: Civil Jurisdiction 2018 : No 25 - wales et al v PCA

Marc

You'll appreciate that there is great concern among the individuals who make up the Authority about this situation and it is disappointing that there is no clear positive answer in circumstances where the statute provides that the members be given the services they need from the Minister.

In relation to whether this is a preliminary hearing, it would appear from the papers that were served that there is some attempt by the Applicants to move this matter forward at this time but I would hope that the Court treat it as a preliminary hearing as in my view there has not been proper service of the relevant court papers on the Authority – we have not been provided the supporting affidavit for the ex parte application and we have not been served with the Chief Justice's Order giving leave to issue Judicial Review.

As a matter of courtesy to the court, I will turn up in my capacity as Chairman, not as an attorney for the Authority, to indicate these matters to the Court and to indicate that we have yet to be provided with the services of an attorney for the purpose of representation before the court. I will not be making any specific application and I will leave it to the court as to what order will be made on that day.

Frankly, it is a source of personal embarrassment for me on many levels that I find myself attending court on Monday and informing the court of this and I and the other members of the Authority do believe it is an unfair imposition on us all to have been placed in this position of not having legal representation to defend this attack on our report.

I am travelling on Tuesday morning, 3rd April, and away from the island for most of the month in time zones that are not conducive to direct communication.

On a personal note, have a great Easter!

Kind regards, Jeff

From: Telemaque, Marc [<mailto:mtelemaque@gov.bm>]

Sent: Thursday, March 29, 2018 4:03 PM

To: Elkinson, Jeffrey

Cc: Rankin, John J.: *EXEMPT* *EXEMPT*

Subject: RE: Civil Jurisdiction 2018 : No 25 - Wales et al v PCA

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Extension: 1643
Direct Telephone: *EXEMPT*
Attorney-General's Chambers Direct Line:
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GOVERNMENT OF BERMUDA | Ministry of National Security
Police Complaints Authority
Telephone: 441-279-2848
49 King Street | Hamilton, Bermuda HM12
P.O. Box HM 1364 | Hamilton, Bermuda HM FX
Direct Email: jvswan@gov.bm

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Dear Mr Elkinson

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Kind regards
Janet



~~EXEMPT~~

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With kind regards,

Blanca
Blanca

From: Swan, Juliana [<mailto:jvswan@gov.bm>]
Sent: Tuesday, March 20, 2018 3:15 PM
To: *Blanca*
Cc: *Blanca*
Subject: FW: Civil Jurisdiction 2018 : No 25 - Wales et al v PCA
Importance: High

Good Day Jeff,

I have just received the attached documents from *Blanca*

I will acknowledge electronic receipt and the correct location address.

Regards,
Juliana Swan



Juliana V. Swan- Administrative Assistant

GOVERNMENT OF BERMUDA | Ministry of National Security

Police Complaints Authority

Telephone: 441-279-2848

49 King Street | Hamilton, Bermuda HM12

P.O. Box HM 1364 | Hamilton, Bermuda HM FX

From: *exema*
Sent: Tuesday, March 20, 2018 3:01 PM
To: *exema*
Cc: Swan, Juliana; *exema*
Subject: Civil Jurisdiction 2018 : No 25 - Wales et al v PCA

Dear Mr Elkinson

Please see attached. Original will be hand delivered.

Kind regards

exema
exema

exema

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From: Telemaque, Marc
Sent: Wednesday, March 28, 2018 2:43 PM
To: Smith, Allan Wayne
Subject: Re: Police Complaints Authority

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Red Category

Good stuff. We're working on Jeff's request but it is complicated as you might expect.

Sent from my iPhone

On Mar 28, 2018, at 2:40 PM, Smith, Allan Wayne <awbsmith@gov.bm> wrote:

Good Day Sir,

I have just met with Jeff Elkinson regarding the PCA and the events of Dec. 2, 2016.

He is concerned that he has requested legal representation for the court matter on Monday morning April 2 but hasn't yet had confirmation that the Government will provide same.

Are we able to reply to his request?

Also, fyi, the HOPS asked the question earlier and I answered YES.

He emailed me and I was at MNS HQ at the time and called him from Derek's old office.

Thanks again....

WS.

Sent from my Samsung Galaxy smartphone.

From: Telemaque, Marc
Sent: Wednesday, March 28, 2018 10:21 AM
To: Caines, Wayne M .
Cc: Smith, Tonii
Subject: RE: Civil Jurisdiction 2018 : No 25 - Wales et al v PCA

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Red Category

This is workable Minister. A Paper was prepared to engage counsel for the BPS and I think it may have stalled at Finance. T, can you confirm ?

MT

From: Caines, Wayne M .
Sent: Tuesday, March 27, 2018 9:52 PM
To: Telemaque, Marc <mtelemaque@gov.bm>
Subject: Re: Civil Jurisdiction 2018 : No 25 - Wales et al v PCA

Hi Cabinet Secretary,

I believe the the PCA should have legal representation for the upcoming Judicial Review.

The AG has indicated that they will not represent the PCA.

We must action the plan to hire a lawyer for the BPS.

The lawyer will serve multiple purposes and will minimize the costs. The Lawyer that his hired by the BPS should conduct the JR.

Let me know your thoughts.

WC

The Hon Wayne M. Caines JP MP
Minister of National Security
The Government of Bermuda (441)

EXEMPT

On Mar 26, 2018, at 5:11 PM, Telemaque, Marc <mtelemaque@gov.bm> wrote:

Minister fyi. I will respond indicating that you will raise this issue with Cabinet and will revert thereafter.

MT

From: Elkinson, Jeffrey [mai](#) *EXEMPT*
Sent: Monday, March 26, 2018 3:36 PM
To: Telemaque, Marc <mtelemaque@gov.bm>
Cc: Rankin, John J. <jirankin@gov.bm>; Dill, Shakira J. <sjdill@gov.bm>
Subject: RE: Civil Jurisdiction 2018 : No 25 - Wales et al v PCA

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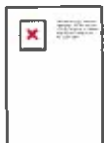
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Deputy Solicitor General

Government of Bermuda | **Attorney-General's Chambers**

Global House, 4th Floor | 43 Church Street | Hamilton, Bermuda HM12

Extension:

Direct Telephone: 4-622-1111

Attorney-General's Chambers Direct Line:

www.gov.bm

| Email: sjdill@gov.bm

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Importance: High

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I will acknowledge electronic receipt and the correct location address.

Regards,
Juliana Swan



Juliana V. Swan- Administrative Assistant

GOVERNMENT OF BERMUDA | Ministry of National Security
Police Complaints Authority
Telephone: 441-279-2848

From: *EXEMPT*
Sent: Tuesday, March 20, 2018 3:01 PM
To: Elkinson, Jeffrey
Cc: Swan, Juliana; Delroy Duncan
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To: Elkinson, Jeffrey
Cc: Rankin, John J.; Dill, Shakira J.
Subject: RE: Civil Jurisdiction 2018 : No 25 - Wales et al v PCA

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Red Category

Jeff, the Minister is discussing this matter with colleagues tomorrow and will revert thereafter.

MT

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Flag Status: Completed

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I Email: sjdill@gov.bm

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Police Complaints Authority

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Sent: Wednesday, March 21, 2018 5:34 PM
To: Elkinson, Jeffrey
Cc: Telemaque, Marc
Subject: RE: Civil Jurisdiction 2018 : No 25 - Wales et al v PCA

Good day Jeffrey,

Further to your e-mail, I can advise that the decision has been taken that Chambers will not represent the Authority; as an independent body they will need to obtain their own counsel.

I trust that this clarifies the matter.

Regards,



Shakira J. Dill-Francois B.A, LL.B, LL.M

Deputy Solicitor General

Government of Bermuda | Attorney-General's Chambers

Global House, 4th Floor | 43 Church Street | Hamilton, Bermuda HM12

Extension:

Direct Telephone:

Attorney-General's Chambers Direct Line:

www.gov.bm

Email: sjdill@gov.bm

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From: Elkinson, Jeffrey *EXEMPT*
Sent: Wednesday, March 21, 2018 2:45 PM
To: Dill, Shakira J.
Cc: Telemaque, Marc
Subject: FW: Civil Jurisdiction 2018 : No 25 - Wales et al v PCA
Importance: High

Madam Attorney General

It is some months since your appointment and may I extend my warm personal congratulations to you on that.

I write to you in my capacity as Chairman of the Police Complaints Authority, a body established under the Police Complaints Authority Act 1998, the members of which are appointed by the Governor in consultation with the Minister of National Security. I write seeking representation of the Authority in connection with proceedings brought against the Authority concerning the issue of the Decision on 10th August 2017 on the complaints of 26 members of the public against members of the police. The members of the Authority at the time of the issue of the Decision, which was sent at the time to each complainant by email or mail and which was also publically available, were me as chairman, Michelle Simmons, William Francis, Barrett Dill, Andrew Bermingham and Winston Esdaille.

EXEMPT I wrote on 20th November 2017 setting out complaints on behalf of their clients in relation to the form of the Decision and the alleged failures to do certain things – pages 5, 6 and 7 of their letter attached refers.

Our response to them of 29th November 2017 sets out our disagreement with the basis of complaint and also refers to the statutory protection given to the Authority under section 26 of the 1998 Act.

We have as of yesterday, 20th March 2018, received by email a copy of a Notice of Originating Motion relating to Judicial Review setting the matter down for hearing on 2nd April 2018. We have received no other papers other than what is contained in the attached pdf as sent by Trott and Duncan.

We have raised the issue with the Governor as to legal representation for the Authority and he has asked us to write to you to seek your representation. I appreciate from discussion with the Deputy Solicitor General that independent bodies will not necessarily be represented by your Chambers. It may be that you consider it appropriate to appoint outside counsel on our behalf or perhaps direct us to obtain our own counsel, the latter course which would involve by necessity the Minister of National Security's office in relation to funding the litigation, which is why I am copying in Mr Telemaque, PS to the Minister.

In any event, I look forward to your response as soon as it is conveniently possible for you.

With kind regards, Jeffrey

EXEMPT

From: Swan, Juliana [<mailto:jvswan@gov.bm>]
Sent: Tuesday, March 20, 2018 3:15 PM
To: Elkinson, Jeffrey
Cc:
Subject: FW: Civil Jurisdiction 2018 : No 25 - Wales et al v PCA
Importance: High

Good Day Jeff,

I have just received the attached documents from .

I will acknowledge electronic receipt and the correct location address.

Regards,
Juliana Swan



Juliana V. Swan- Administrative Assistant

GOVERNMENT OF BERMUDA | Ministry of National Security

Police Complaints Authority

Telephone: 441-279-2848

49 King Street | Hamilton, Bermuda HM12

P.O. Box HM 1364 | Hamilton, Bermuda HM FX

Direct Email: jvswan@gov.bm

From: EXEMPT
Sent: Tuesday, March 20, 2018 3:01 PM
To: Elkinson, Jeffrey
Cc: Swan, Juliana;
Subject: Civil Jurisdiction 2018 : no 25 - Wales et al v PCA

Dear Mr Elkinson

Please see attached. Original will be hand delivered.

Kind regards

EXEMPT

EXEMPT

EXEMPT

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From: Telemaque, Marc
Sent: Wednesday, March 21, 2018 5:33 PM
To: Caines, Wayne M .
Subject: FW: Civil Jurisdiction 2018 : No 25 - Wales et al v PCA

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Red Category

Minister, this exchange refers. It bears careful consideration where the Government is asked to fund legal costs for the PCA on this matter.

MT

From: Dill, Shakira J.
Sent: Wednesday, March 21, 2018 5:31 PM
To: Telemaque, Marc <mtelemaque@gov.bm>
Subject: RE: Civil Jurisdiction 2018 : No 25 - Wales et al v PCA

Good day CS,

Further to my earlier e-mail, the decision has been taken that we will not represent the Authority; as an independent body they will need to obtain their own counsel. I can communicate this to Jeffery but I suspect that he will revert seeking funds to engage counsel.

This is an issue that has plagued a number of Ministries as it is not normally the case that a litigation budget is set up for the boards etc. that are associated with the relevant Ministry; I know that Min of Health has experienced this issue.

However, a decision will need to be made regarding same as the 1st hearing is scheduled for 5th April.

Regards,



Shakira J. Dill-Francois B.A, LL.B, LL.M
Deputy Solicitor General
Government of Bermuda | **Attorney-General's Chambers**
Global House, 4th Floor | 43 Church Street | Hamilton, Bermuda HM12

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Email: sjdill@gov.bm

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From: Telemaque, Marc
Sent: Wednesday, March 21, 2018 5:09 PM
To: Dill, Shakira J.
Subject: RE: Civil Jurisdiction 2018 : No 25 - Wales et al v PCA

Unlikely but I'll await the outcome of your discussions.

From: Dill, Shakira J.
Sent: Wednesday, March 21, 2018 4:46 PM
To: Telemaque, Marc <mtelemaque@gov.bm>
Subject: RE: Civil Jurisdiction 2018 : No 25 - Wales et al v PCA

Good day CS,

I plan to discuss this matter further with the AG & SG, but based on the previous decisions that have been taken with respect to boards/authorities etc, it is unlikely that Chambers will provide representation to what is meant to be an independent body.

As such the Ministry of National Security would be required to provide funding for an attorney to defend the Authority. Is this something that the Ministry would be willing to do?

Regards,



Shakira J. Dill-Francois B.A, LL.B, LL.M
Deputy Solicitor General
Government of Bermuda | **Attorney-General's Chambers**
Global House, 4th Floor | 43 Church Street | Hamilton, Bermuda HM12

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From: Elkinson, Jeffrey
Sent: Wednesday, March 21, 2018 2:45 PM
To: Dill, Shakira J.
Cc: Telemaque, Marc
Subject: FW: Civil Jurisdiction 2018 : No 25 - Wales et al v PCA
Importance: High

Madam Attorney General

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In any event, I look forward to your response as soon as it is conveniently possible for you.

With kind regards, Jeffrey

EXEMPT

From: Swan, Juliana [<mailto:jvswan@gov.bm>]
Sent: Tuesday, March 20, 2018 3:15 PM
To: Elkinson, Jeffrey
Cc: Greaves, Carol
Subject: FW: Civil Jurisdiction 2018 : No 25 - Wales et al v PCA
Importance: High

Good Day Jeff,

I have just received the attached documents from *EXEMPT*

I will acknowledge electronic receipt and the correct location address.

Regards,
Juliana Swan



Juliana V. Swan- Administrative Assistant

GOVERNMENT OF BERMUDA | Ministry of National Security

Police Complaints Authority

Telephone: 441-279-2848

49 King Street | Hamilton, Bermuda HM12

P.O. Box HM 1364 | Hamilton, Bermuda HM FX

Direct Email: jvswan@gov.bm

From: EXEMPT
Sent: Tuesday, March 20, 2018 3:01 PM
To: Elkinson, Jeffrev
Cc: Swan, Juliana;
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Dear Mr Elkinson

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Kind regards

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EXEMPT

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From: Telemaque, Marc
Sent: Monday, March 19, 2018 11:21 AM
To: Smith, Allan Wayne
Subject: Re: Rev. Nicholas Tweed

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Red Category

He's at *EXEMPT*

Sent from my iPhone

On Mar 19, 2018, at 11:19 AM, Smith, Allan Wayne <awbsmith@gov.bm> wrote:

Morning CS,

I'm making the rounds of speaking to various persons in connection with the pepper spraying event of December 2, 2016.

So far I've chatted with the Commissioner of Police and *EXEMPT*. I've read the PCA Report on the incident. Most interesting.

I know how to reach *EXEMPT* and HE, but HE will have to wait until I'm back on island next week, if you still feel that I should speak to HE on the matter.

What's the best way to reach *EXEMPT* ? I always enjoy interacting with him and look forward to yet another enlightening exchange.

Hope all is well with you.

Bless you.

WS.

From: Telemaque, Marc
Sent: Friday, February 23, 2018 11:43 AM
To: Selassie, Dana S. K.
Subject: RE: Airport Comments

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Red Category

Do include the link. The Premier should approve the amendments/ additions before adding them to the document. Standby.

MT

From: Selassie, Dana S. K.
Sent: Friday, February 23, 2018 11:42 AM
To: Telemaque, Marc
Subject: RE: Airport Comments

Good Day Sir,

I will begin making these amendments for the Premier while he is at HOA.

Should I include the Government portal link that I just sent? Or leave it out?

From: Telemaque, Marc
Sent: Friday, February 23, 2018 11:36 AM
To: Premier David Burt <dburt@gov.bm>
Cc: Selassie, Dana S. K. <dsselassie@gov.bm>
Subject: RE: Airport Comments

Premier, considering your remarks below, I would advise the following for inclusion:

OPENING/INTRODUCTION

True democracy demands transparency and transparency grows trust. The previous government was not transparent, and at every turn, an agenda, other than one for the people of this country, was being pursued. The project agreement for the redevelopment of LF Wade International Airport stands as a stain on the relationship between a government and the people it is meant to serve. From start to finish this agreement has been caught up in justifiable concern expressed in homes, clubs and churches across the Island. The Peoples Campaign gave voice to the core issues presented by this bad deal and promoted a public awareness of its significance to a generation of our people.

Central to our election promises to the people of Bermuda was to look carefully and deliberately at the Agreement and **to determine how we could reverse what had been done in their name but not on their behalf**. The review is now complete and I am today releasing the results of that review to the public. I encourage everyone to read it and digest what has been found.

THE REVIEW (AS CURRENTLY WRITTEN)

TERMINATING THE CONTRACT add the following:

More importantly, however, I refuse to deprive a child of the necessary investment in their education; I will not preside over an erosion in the benefits we owe our seniors and I cannot betray the taxpayers of this country who rightly expect to receive the services we promised to provide. Make no mistake, this review is our initial examination of this agreement. We will not rest until we achieve the best possible outcome from this situation. Why ? Because on December 2, 2016, citizens in this country who were engaged in a lawful protest, another cornerstone of democracy, were pepper sprayed in scenes that sicken me to this day. Where the people exercise their rights, guaranteed under the Constitution, their government must respect the expression of their views. To paraphrase what I said in the Budget Statement: The people should no longer have to shout to be heard.

CHANGING THE CONTRACT

DELETE ALL AFTER "...heinous aspect of the whole Agreement"

CONCLUSION

My genuine hope in all of this was to determine the best means by which to get us out of this Agreement. I asked my colleague Minister Roban to bring the Agreement to this press conference today and these immense binders before you constitute "the Agreement". Here are the reams of paper produced with one apparent objective: to deprive the people of Bermuda of their most significant asset. Let me be clear, we are not discouraged by this sight and these volumes of "legal-ese". Our commitment to the people of Bermuda remains unwavering. We will work through this bad deal and do all that we can to realize some good for the people.

From: Premier David Burt
Sent: Friday, February 23, 2018 9:38 AM
To: Telemaque, Marc
Cc: Selassie, Dana S. K.
Subject: Airport Comments
Importance: High

Major,

Please see attached. I have made some comments.

Long story short, it must express outrage (We're paying for their electricity etc), while recognising the realities. Also the final part about the exercise of our legal notice needs to be handled carefully (I've attached the draft letter).

For the remarks, this is a decent first draft, I've indicated what I think can be cut as it is far too wordy, and I don't want to be speaking for more than 10 minutes. Additionally, it is just text for me and the question would be whether the Deputy should speak.

Also for your knowledge the binders with the contracts will be on the table at Cabinet, to provide a visual impact. If there is anything that you think should be highlighted visually – please let Dana Know.

I am unsure in mention in the remarks wants to me made to the fact that we shared the report prior with our social partners People's Campaign and MOVE, or whether I want to further recognise the injustices on December 2nd – but there is a thought that I really need to express empathy for those injured who answered my call to come out and make their voices heard.

In the end, I want it to be clear to all that We have not changes our opinion on this deal, we do not believe it is the best for Bermuda, we will reluctantly live with it as long as necessary, ensure AECON has Bermudians working and building out airport, and ultimately it is our plan to return the operation of our airport to Bermuda's hands to liberate the taxpayer from this deal.

Many Thanks,

Premier



E. David Burt, JP, MP

Premier & Minister of Finance

Government of Bermuda

105 Front Street | Hamilton HM 12 | Bermuda

Phone: 441 *EXEMPT*

