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17 December, 2022

**Ms. Sarah Sinanan
Secretary to the Commission
Southern Academy of Performing Arts (SAPA)
Todd Street
San Fernando.**

Dear Ms. Sinanan

Re: Disclosure Order Against LMCS

Commission of Enquiry into the Circumstances which led to the tragic incidents which occurred on February 25th 2022 at facilities owned by Paria Fuel Trading Company Limited ("Paria") located at No.36 Sealine Riser on Berth No. 6, Pointe-a-Pierre ("the Commission").

I write in reference to the matter at caption wherein I, along with Messrs. Thane Pierre and Sebastian Peterson, continue to instruct Mr. Jason Mootoo who is led by Mr. Gilbert Peterson S.C.

By letter dated 8th November 2022, the Commission requested from Paria all the records of the Incident Command Team (ICT) generated during the period Friday 25th February 2022 to Thursday 3rd March 2022 including, *inter alia*, records of any communications between Paria and/or Heritage representatives engaged with and/or

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supporting the ICT including WhatsApp communications. The requested information has now been provided to the Commission.

At the hearing on Thursday 8th December 2022, Counsel made an oral application for the Commission to provide all the records of LMCS as it relates to the rescue and/or recovery efforts. In response, the Chairman of the Commission, Mr. Jerome Lynch K.C, indicated his reluctance to make an order without fully understanding the parameters of the request and accordingly directed that an application be made in writing to the Commission should Paria wish an order for discovery to be made against LMCS.

In accordance with the aforesaid direction, Paria hereby applies for an order that the Commission order and/or direct that LMCS provide to the Commission and Paria:

- A. All records and/or documents produced by LMCS personnel involved in the rescue and/or recovery efforts from Friday 25th February 2022 to Thursday 3rd March 2022 (including but not limited to the following persons: Kazim Ali Snr., Ahmad Ali, Imtiaz Ali, Andrew Farah, Dexter Guerra, Conrad Beddoe and Conan Beddoe) relative to such efforts, including but not limited to the following:
1. All records, including minutes and logs, of meetings during the said period relative to the said rescue and/or recovery efforts;

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2. All records of the meetings, discussions and decisions relative to the said rescue and/or recovery efforts during the said period; and
 3. All records of any communications, including emails, WhatsApp and text messages relative to the rescue and/or recovery efforts during the said period.
- B. All records and/or documents received by LMCS personnel (including but not limited to the following persons: Kazim Ali Snr., Ahmad Ali, Imtiaz Ali, Andrew Farah, Dexter Guerra, Conrad Beddoe and Conan Beddoe) from third parties in relation to the aforesaid rescue and/or recovery efforts.

Paria considers that it is entirely reasonable to expect that the above records and documents exist because: (i) WhatsApp and email communications are commonly and widely used as a means of communication; and (ii) LMCS, as the contractor with the responsibility for executing the works, owed a duty to ensure the safety of its employees as well as a contractual responsibility under its contract with Paria to execute an emergency response plan following the events of 25 February, 2022.

Indeed, records and documents of the type described above undoubtedly touch and concern certain of the factual matters concerning the events of 25 February to March 3 of which the Commission is required to make critical findings. The Commission's recognition of the need to obtain all possible evidence in relation to this fact finding process is plainly reflected in its previous request of Paria's ICT for the provision of similar categories of documents. In

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this connection, owing to the significant role of LMCS in the events of 25 February, 2022 and its allegation that it was prepared to have divers enter into the pipeline on the said date, it is important to properly interrogate this allegation and to understand the circumstances surrounding the decision to do so, including but not limited to: (a) whether any persons from LMCS and/or third parties in which LMCS was in communication gave advice which conflicted with the said decision; (b) whether the decision was subject to any or any proper risk evaluation or analysis; (c) whether any or all of the LMCS personnel involved were in an appropriate mental state to develop any plan and/or assist in its execution; and (d) whether LMCS personnel were disposed to sharing relevant information with Paria.

In the circumstances, I look forward to receiving the Commission's response in relation to Paria's application at its earliest convenience.

~~Yours faithfully~~

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GRETEL BAIRD
Attorney-at-Law

c.c. Mr. Gilbert Peterson S.C.
Mr. Jason Mootoo
Paria Fuel Trading Company Limited