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Wacira Wambugu & Company  
Green Shade Court  
Block D Suite #8  
Argwings Kodhek Road  
(Opposite Montessori School)  
P O Box 41765-00100  
Nairobi, Kenya

11 September 2013

**BY POST AND EMAIL**

Our Ref: MW/GOV.0009.0001

**INFO@WACIRAWAMBUGU.COM**

Dear John

**Universal Satspace (North America) LLC -v- The Government of the Republic of Kenya**

I attach a copy of a letter I have sent to Muthoni Kimani together with a copy of my email to her dated 5 September and a copy of a further letter from Mills & Reeve LLP dated 9 September.

For the reasons set out in my communications to Muthoni, urgent instructions are needed, please, regarding whether my firm is to remain on the record in this matter and, if it is, in relation to instructing Counsel in relation to the Claimant's applications. We also need to re-list for hearing the application we have made for security for costs.

I should be grateful if you would assist in confirming the position in these respects.

Kind regards,

Yours sincerely

**Michael Whitton**  
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Ms Muthoni Kimani MBS  
Senior Deputy Solicitor General  
Attorney-General's Chambers  
Harambee Avenue  
PO Box 40112-00100  
Nairobi  
Kenya

11 September 2013

Your Ref: AG/MB/3/05  
Our Ref: MW/GOV.9.1

**BY POST AND EMAIL**  
**INFO.STATELAWOFFICE@KENYA.GO.KE**

Dear Muthoni

**Universal SatSPACE (North America) LLC -v- The Government of the Republic of Kenya**

I refer to my email of 5 September 2013 (a copy of which I attach for ease of reference) in relation to which I should be grateful for your urgent instructions.

Mills & Reeve LLP are taking steps to arrange a date for the hearing of their client's applications the process for which is that the clerks to Counsel instructed on behalf of the parties make an appointment with the Court Listing Office in order to fix a date convenient to both parties and their Counsel. In the absence of any instructions from you we have been unable to take any steps in that respect.

Also attached is a copy of a further letter I have received from Mills & Reeve LLP recording the fact that they have been unable to make the necessary arrangements with Mr Bennett's clerk and threatening you will see, to make an application next week to list the hearing of their client's applications without any further reference to us. This may, therefore, result in a date being fixed which creates difficulties in terms of availability.

It is urgent, therefore, that I receive your instructions and I look forward to hearing from you accordingly.

Yours sincerely

**Michael Whitton**  
Partner  
For Edwin Coe LLP  
michael.whitton@edwincoe.com  
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c.c. John Wambugi (by email only info@wambugiwambugi.com)

**Michael Noyce**

**From:** Michael Whitton  
**Sent:** 05 September 2013 16:47  
**To:** 'INFO.STATELAWOFFICE@KENYA.GO.KE'  
**Subject:** Universal Satspace (North America) LLC Vs. The Government of the Republic of Kenya [EDWIN COE LLP-MAIN.FID139062]

**Follow Up Flag:** Follow up  
**Flag Status:** Green

**Categories:** Filed  
**Attachments:** letter.pdf; philip lawrence.pdf; letter court.pdf; muin malik.pdf; app notice.pdf

Dear Muthoni

I attach a copy of a letter I have received from Mills & Reeve LLP serving an application to strike out the Defence together with a witness statement from Mr Malik dated 30 August 2013. Also enclosed with that letter is a separate letter Mills & Reeve LLP have written to the Court asking at the existing application for summary judgment should be restored to be heard after the hearing of the application to strike out together with a witness statement from Philip Lawrence of Mills & Reeve LLP in support of that separate application. Also attached are the application notice that has just been issued, a copy of Mr Malik's witness statement (but not the exhibits) and a copy of Mr Lawrence's witness statement (but without the exhibit). If you would like those exhibits, please let me know.

In your letter to me of 30 July you advised that my firm is no longer instructed in this matter. If that is to remain the position my firm needs to be removed from the Court record which would normally be done by Notice of Acting being filed by any new firm instructed in my firm's place. Could you please let me have your instructions in this respect so that the appropriate arrangements can be made with the Court.

If, on the other hand, the Attorney General wishes to continue to instruct my firm, immediate arrangements need to be made regarding the listing of the Claimant's applications for which Counsel needs to be instructed and a suitable date arranged. Could you please let me have your instructions in this respect as a matter of urgency.

Kind regards.

**Michael Whitton**  
**Partner**  
For **Edwin Coe LLP**

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letter.pdf (3.3 KB)



philip lawrence.pdf (545 KB)



letter court.pdf (78 KB)



muin malik.pdf (1 MB)



app notice.pdf (129 KB)

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Kenya

5 December 2013

Your Ref: AG/MIB/3/05  
Our Ref: MW/GOV.9.1

**BY POST AND EMAIL**  
**INFO.STATELAWOFFICE@KENYA.GO.KE**

Dear Muthoni

**Universal Satspace (North America) LLC -v- The Government of the Republic of Kenya**

I attach a copy of a further letter I have received from Mills & Reeve LLP in relation to the hearing on 20 December 2013. You have not replied to any of my recent letters in relation to this matter and unless, therefore, I hear from you by close of business on Monday 9 December 2013 with instructions or confirmation that another firm has been instructed to represent the Government in this matter, I will have no option but to make an application to the Court to remove my firm from the record. Needless to say, if the Government is not represented on 20 December 2013 orders will be made in accordance with the Claimant's applications striking out the Defence and entering judgment.

I look forward to hearing from you.

Kind regards

Yours sincerely



Michael Whitton  
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Fax: 020 7691 4000

Edwin Coe LLP is a limited liability partnership registered in England and Wales (No. 02063661) and is authorised and regulated by the Solicitors Regulation Authority. A list of members of the LLP is available for inspection at our registered office address above. "Partner" denotes a member of the LLP or an employee or consultant with the appropriate standing.

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