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To: Michael Casey</O=FIRST ORGANIZATION/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=MCASEY>; Michael Moore</O=FIRST ORGANIZATION/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=MICHAEL>; John Usher</O=FIRST ORGANIZATION/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=JUSHER>; Joseph Bucci<JBucci@ccinsurances.com.au>; Marita Wright<MWright@ccinsurances.com.au>

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BCC:

Subject: Ellis- HCA Privileged and confidential

Attachment: ATT397363.gif, 4513668v1\_summary\_of\_agument\_1st\_draft\_.doc

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Dear Father John and Others

Please find attached a draft of the Respondent's summary of argument in Ellis. This has been drafted by Patrick Flynn and I although it has not yet been settled by Richard McHugh SC. Patrick and Richard are meeting this afternoon to discuss this, although I do not expect Richard to make any dramatic changes.

You will see that we have kept the argument as simple as we can, whilst trying to deal with the myriad of points raised by the Applicant. The gist of our argument is that the Court of Appeal's decision was entirely orthodox involving a simple question of statutory interpretation of a NSW Act and to that end, no question of public interest arises.

We have also included an outline notice of contention in which we flag the Respondent's intention to re-agitate the factual limitation matters should the matter be returned to the Court of Appeal.

I will send to you the final argument once this has been settled by Richard this afternoon.

If you have any comments or suggestions, please do not hesitate to contact me on 02 9210 6160.

Kind regards

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