

Anne Crighton

From: Lisa Kinder <REDACTED>
Sent: Thursday, 25 June 2015 11:47 AM
To: Kerry Stewart
Cc: Jane Favretto; Rebecca Whittle; Adair Donaldson; Ann-Maree P Smith
Subject: Our client: CJI

Dear Kerry,

Following our discussions last week with Mr White and his colleagues from the Department of Veterans Affairs, we are considering the ramifications on our clients and their potential claims. Of the three category C claimants who are identified as prioritised, the only one who would appear to be affected by potential DVA ramifications would be Mr CJI

In our view, the severity of abuse experienced by CJI at HMAS Leeuwin, and the impacts of it on him since that time are at the more severe end of the spectrum. Clearly however, we will have to consider the implications of any possible settlement in terms of his potential refunds to DVA, and the impact on his current and future entitlements. When more precise information is available, we will have to give him advice about the options available to him, and seek his specific instructions at that time.

Accordingly, we ask that for the time being you consider the Particulars which were previously provided to you as very much in draft format, as we may need in the future to amend them considerably for example to include claims for past medical expenses funded by DVA, or future expenses that would otherwise have been funded by DVA which now may not, and so on.

In the meantime, we believe that the medico-legal assessment of CJI should proceed in late July 2015. We ask that you ensure that a copy of the report of Dr Allnut is not provided to the Department of Veterans Affairs. We do accept that if CJI obtains common law damages for his injuries that it may be necessary and/or appropriate for that Department to have access to the evidence associated with his claim. For the moment though, we have not reached the point where it is certain that he will receive common law damages.

We will shortly send you a draft letter of instruction to Dr Allnut for your consideration.

Kind regards,
 Lisa

Lisa Kinder | Partner



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ACCREDITED SPECIALIST - PERS. INJ.

T REDACTED | F REDACTED

E REDACTED

First Floor, 125 Russell Street, Toowoomba QLD 4350

PO Box 3476, Toowoomba QLD 4350

13 11 99 SHINE.COM.AU



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