

L A W Y E R S

7 August 2003

**BY FACSIMILE NO: 3229 9090**

Baker Johnson Lawyers  
GPO Box 1405  
BRISBANE QLD 4000

**Partner**

Julie Cameron (07) 3228 9461  
Email: Julie\_Cameron@corrs.com.au

**Our reference**

JPC/BRIS2923-7653520

**Your reference**

SJJ:BAX:smcl:0206980

Dear Sirs

**BRISBANE GRAMMAR SCHOOL** at

Thank you for your letter of 6 August 2003.

**Limitation Period**

We confirm that our client will oppose the matter on the basis of the limitation period. Our client's Defence clearly pleads the Limitation of Actions Act. At no stage have you questioned that position, nor have we or our client indicated that the position would be otherwise.

Even in the unlikely event that the plaintiff obtained such an extension, we see no basis for your contention that he would be entitled to costs on an indemnity basis. The plaintiff seeks to bring proceedings well outside the statute of limitations, and in doing so seeks an indulgence of the court not necessitated by the conduct of our client. Irrespective of the outcome of the application, our client would be entitled to an order for costs of the application.

**Practice Direction 4 of 2002**

This action has been deemed resolved. If you wish to reactivate it, you will need to make the necessary application. Your letter of 10 June 2003 stated that you were then drafting an application for that purpose. We have not yet seen any material from you.

We cannot take the matter of the Practice Direction further until you make the necessary application. It is not up to us to "provide a proposed plan to facilitate the timely determination of the matter". We have already advised you that our client is not interested in mediating the matter and will proceed to trial as soon as your client is ready to do so.

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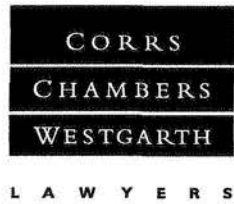
DX 135 BRISBANE

SYDNEY MELBOURNE BRISBANE PERTH CANBERRA GOLD COAST

OUR LIABILITY IS LIMITED BY THE SOLICITORS SCHEME, APPROVED UNDER THE PROFESSIONAL STANDARDS ACT 1994 (NSW).

THIS LIMITATION OF LIABILITY APPLIES TO CLAIMS THE PROPER LAW OF WHICH IS THE LAW OF NEW SOUTH WALES.

B/669579/1



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### **Interrogatories**

Your earlier correspondence raised the issue of interrogatories. You would of course be aware that your client requires leave of the court to deliver same. If you have interrogatories you wish to serve, we are prepared to review those and advise whether our client requires the plaintiff to obtain an order.

### **Security for Costs**

Please advise your client's intentions in this respect.

Yours faithfully  
**CORRS CHAMBERS WESTGARTH**

  
**Julie Cameron**  
Partner