

Our reference  
CJP/JD/CATH4300-9006837

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3 August 2005

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**Privileged and confidential**

Mr Andrew Salgo  
Partner  
Baker & McKenzie Lawyers  
Level 26  
AMP Centre  
50 Bridge Street  
SYDNEY NSW 2000

**Contact**  
John Dalzell (02) 9210 6160  
Email: john.dalzell@corrs.com.au

**Partner**  
Chris Pagent

Dear Mr Salgo

**John Andrew Ellis**

As requested, we **attach** a copy of Ralph Pliner's affidavit sworn 22 July 2005 and the transcript of Mr Pliner's cross-examination on 28 July 2005.

As you know, the matter came before the Supreme Court of NSW on Monday 25 July 2005 and has been adjourned part-heard until 12 August 2005. It has transpired that a key element of Mr Ellis' case, pursuant to s58 of the *Limitation Act 1969* (NSW), is his awareness of his difficulties at work and his inability to pursue his chosen profession at Baker & McKenzie Lawyers.

In written submissions, Mr Ellis has stated that he was unaware of the nature and extent of his injury and the effect of that injury on his employment at Baker & McKenzie Lawyers until the publication of the Stevenson Report, in September 2003.

From the documents that were produced under subpoena by your firm in September 2004, it is clear that Mr Ellis' problems with interpersonal relationships were brought to the attention of the Evaluation Committee at least one year previously.

The date of Mr Ellis' awareness of his injury may be an important element in the litigation. We believe the following individuals may be able to shed light on the date of Mr Ellis' awareness:

- (a) Vicki Kelly;
- (b) Joan Fitzhenry; and
- (c) Adrienne Riggs.

Accordingly, we would like to speak with them. If the information they have is material, it may be that we will ask them whether they would be willing to give evidence in the proceedings. Before we do that, however, we will contact you.

3 August 2005  
Baker & McKenzie Lawyers  
John Andrew Ellis

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We confirm that our discussions with these individuals will be held on a confidential basis. The communications will be privileged in the hands of our clients. Our client will not reveal the content of any of the communications without first contacting you to discuss the matter.

When we last spoke, you indicated that you would prefer that we not attempt to contact your employees and partners directly. With that in mind, we would appreciate if you could:

- (a) Let us know whether the persons named above are willing to speak with us; and
- (b) If so, let us know when over the next 7 days they would be available.

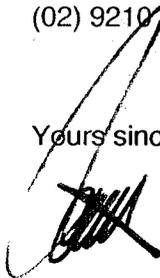
It is difficult to estimate in advance precisely how long we will require these individuals for interview, but doing the best we can, we anticipate that the interviews will take no more than 30 -40 minutes each. It may be that they take less. For obvious reasons, we need to speak to these parties separately. We apologise for the relatively short time frame. Unfortunately, this is beyond our control. As we say above, the matter is listed back before the Supreme Court on 12 August 2005.

If, for some reason, the individuals noted above are not willing to meet with us, we ask that you let us know in writing as soon as possible and, in any event no later than 10 August 2005.

We apologise again for any inconvenience that our request may cause you or your partners and hope that you understand its significance.

Thank you for your cooperation. If you have any queries, please contact John Dalzell on (02) 9210 6160.

Yours sincerely



Paul McCann  
Partner



Chris Pagent  
Partner