

From: swoods <swoods@wentworthchambers.com.au>
To: Jodie_Vella <jodie_vella@agd.nsw.gov.au>, mcashion <mcashion@sixthfloor.com.au>, swoods <swoods@wentworthchambers.com.au>, parblaster <parblaster@selbornechambers.com.au>
Cc: evangelos_g_manollaras <evangelos_g_manollaras@agd.nsw.gov.au>
Sent: Thursday, 16/02/2012 12:37 PM
Subject: RE: Biles

CSO REFERENCE: 200801481 - D2012/51075

Dear All,

Paul and I will draft a response.

Paul, I will prepare an initial draft.

Michael, please check the draft below, and determine if you wish it to be ignored, printed in capitals and bold and sent out, or toned down.

As I have a particular abhorrence to the knee-jerk assertion of "model litigant", I think we should respond, initially, to the letter as follows:

"Thank you for your letter dated 15 February 2012.

I shall seek my client's instructions in relation to the matters raised therein.

In the interim, however, I note your reference to my client's status as a model litigant, and the conduct therefore expected of it in a case of this type.

As you are specifically aware, my client asserts the existence of, and has claimed privilege over, the letters of instruction provided to Mr Maxwell.

The claim for privilege is, at least at this stage, maintained.

I do not understand the basis upon which it is asserted that my client, as a model litigant, ought to deprive itself of a valid claim for privilege.

Please set out, in full, the factual and legal bases relied upon by the plaintiff/s for the proposition that my client's status as a model litigant requires it to act in the manner submitted by you.

I await your reply."

Steven Woods

13/180 Phillip Street

Sydney NSW 2000

T: 02 9235 2488

F: 02 8028 6046

E: swoods@wentworthchambers.com.au

DX 386 Sydney

www.13wentworthselbornechambers.com.au

Liability limited by a scheme approved under Professional Standards Legislation.

From: Jodie_Vella@agd.nsw.gov.au [mailto:Jodie_Vella@agd.nsw.gov.au]
Sent: Thursday, 16 February 2012 1:11 PM
To: mcashion@sixthfloor.com.au; swoods@wentworthchambers.com.au;
parblaster@selbornechambers.com.au
Cc: evangelos_g_manollaras@agd.nsw.gov.au
Subject: Biles

Dear Michael, Steven and Paul

I enclose a copy of a facsimile from Women's Legal Services, dated 15 February 2012, requesting particulars and Peter Maxwell's letter(s) of instructions.

Would Counsel please consider an appropriate response.

The plaintiff seems to essentially be seeking details of the defendant's evidence/investigations for the substantive proceedings in an attempt to show that the defendant is not prejudiced because of who is available. Also, what the plaintiff is seeking is arguably open to interpretation. For instance, does the plaintiff also seek the details of 'witnesses' that the defendant may have located (the names of which appear in subpoenaed material available to both parties), but may not necessarily rely on?

I have looked over the documents provided by Peter Maxwell, and the defendant does have statements from a number of witnesses who do not appear in either of Peter Maxwell's two affidavits because it does not show the defendant's prejudice. How useful their statements are on the identified issues is another question.

Kind regards
Jodie Vella
A/Solicitor
for Crown Solicitor

NSW Crown Solicitor's Office | Level 5, 60-70 Elizabeth Street, Sydney NSW 2000
GPO Box 25 SYDNEY 2001 | DX 19 SYDNEY | www.cso.nsw.gov.au
Email: jodie_vella@agd.nsw.gov.au | Tel: (02) 9224 5266 | Fax: (02) 9224 5122

Department of Attorney General and Justice - Promoting a Just and Safe Society.

Visit us at www.lawlink.nsw.gov.au.

Please consider our environment before printing this email. This email and any attachments may be confidential and contain privileged information. If you are not the intended recipient you must not use, disclose, copy or distribute this communication. If you have received this message in error please delete and notify the sender. When communicating by email you consent to the monitoring and recording of that correspondence.