

From: Benish Haider <"notes:cn=benish haider/ou=cso/o=nsw_ag">
To: Helen Allison <"cn=helen allison/ou=cso/o=nsw_ag@nsw_ag">
Sent: Thursday, 06/12/2012 04:09 PM
Subject: Fw: settlement instructions not yet received.

CSO REFERENCE: 200801481 - D2012/548555

Good Morning

FYI- please see email below from Steven Woods.

As I understand it we are seeking instructions to withdraw/remove the limitation argument from the defence as we no longer have reasonable prospects of success in relation to that issue. However we still have a reasonably arguable case in relation to the stay application and the privilege application. Steven's email suggests that this is not the case and I am not entirely sure why. If Counsel foresees "possible worsening" in relation to the stay and privilege argument, I need to advise the client in relation to this appropriately.

Please let me know when your free to discuss.

Kind regards
Benish Haider
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: benish_haider@agd.nsw.gov.au | Tel: (02) 8093 5546 | Fax: (02) 9224 5122

----- Forwarded by Benish Haider/CSO/NSW_AG on 06/12/2012 05:07 PM -----

Steven Woods <swoods@wentworthchambers.com.au>
06/12/2012 05:03 PM

To
"Benish_Haider@agd.nsw.gov.au" <Benish_Haider@agd.nsw.gov.au>
cc
Paul Arblaster <parblaster@selbornechambers.com.au>, Michael Cashion
<MCashion@chambersinbox.com.au>
Subject
Re: settlement instructions not yet received.

Benish, I understand the time constraints, but it would be good if the client has an opportunity to consider the prospect of settlement prior to any possible worsening of our position which may occur at next weeks' hearing.

Steven Woods

13/180 Phillip Street

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Liability limited by a scheme approved under Professional Standards Legislation.

From: "Benish_Haider@agd.nsw.gov.au" <Benish_Haider@agd.nsw.gov.au>
Date: Thursday, 6 December 2012 4:58 PM
To: Steven Woods <swoods@wentworthchambers.com.au>
Cc: "parblaster@selbornechambers.com.au" <parblaster@selbornechambers.com.au>, "mcashion@sixthfloor.com.au" <mcashion@sixthfloor.com.au>
Subject: re: settlement instructions not yet received.

Not yet. As stated in my previous update email, I am preparing an advice to be sent to the client that will compliment your advice. I do not anticipate that I will receive instructions in relation to the settlement of this matter in time for next weeks hearing.

I will keep you posted.

Kind regards

Benish Haider
Solicitor
for Crown Solicitor

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Steven Woods <swoods@wentworthchambers.com.au>

06/12/2012 04:51 PM

To
"Benish_Haider@agd.nsw.gov.au" <Benish_Haider@agd.nsw.gov.au>
cc
Paul Arblaster <parblaster@selbornechambers.com.au>, Michael Cashion
<mcashion@sixthfloor.com.au>
Subject
Re: Files Notices of Motion attached- BILES

Thanks Benish.
Any news re settlement instructions?

Steven Woods

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From: "Benish_Haider@agd.nsw.gov.au" <Benish_Haider@agd.nsw.gov.au>
Date: Thursday, 6 December 2012 4:49 PM
To: "parblaster@selbornechambers.com.au" <parblaster@selbornechambers.com.au>, "swoods@wentworthchambers.com.au" <swoods@wentworthchambers.com.au>, "mcashion@sixthfloor.com.au" <mcashion@sixthfloor.com.au>
Subject: Files Notices of Motion attached- BILES

Good Afternoon.

Please find attached, filed copies of the Notices of Motion seeking to set aside the subpoenas filed by the plaintiff on 20 November 2012. A copy has been served on the plaintiff.

I note I am seeking instructions in relation to withdrawing/not pressing the Limitation Defence in relation to K Biles only and should be in a position to provide instructions tomorrow.

I note that I will forward a copy of my affidavit to Paul shortly for him to settle.

Kind Regards

Benish Haider
Solicitor
for Crown Solicitor

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