

Your Ref:**My Ref:** 200801481

T09 Benish Haider

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9 November 2012

Ms Charissa Sun
Women's Legal Services NSW
PO Box 206
LIDCOMBE NSW 1825

By email: charissa.sun@wlsnsw.org.au**WITHOUT PREJUDICE SAVE AS TO COSTS**

Dear Ms Sun

State of New South Wales ats Kathleen Biles

In an attempt to resolve these proceedings and avoid the expenditure of further costs, I am instructed to make an offer of settlement pursuant to the principles set out in the cases of *Calderbank v. Calderbank* [1975] 3 All ER 333, and *Messiter v. Hutchinson* (1987) 10 NSWLR 525.

I am instructed to make an offer on the following basis:

1. Verdict for the defendant; and
2. Each party to pay their own costs.

In the event this offer of settlement is not accepted, the defendant reserves the right to tender this letter as to the question of costs as against the plaintiff in accordance with the authority of *Calderbank v Calderbank* and *Messiter v Hutchinson*.

This offer will remain open until 4pm on 12 November 2012. This offer may only be accepted in writing.

I look forward to your response.

Yours faithfully

Benish Haider
Solicitor
for Crown Solicitor