

**From:** Evangelos G Manollaras <"notes:cn=evangelos g manollaras/ou=cso/o=nsw\_ag">  
**To:** Marion Epps <"cn=marion epps/ou=cso/o=nsw\_ag@nsw\_ag">  
**Sent:** Thursday, 02/02/2012 08:21 AM  
**Subject:** Fw: Biles

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CSO REFERENCE: 200801481 - D2012/30851

please trim

Evangelos G Manollaras  
Solicitor  
for Crown Solicitor

Torts Service/Regulatory Practice Group çCROWN SOLICITOR'S OFFICE  
Level 5 ç60-70 Elizabeth Street çSydney NSW 2000 çDX 19 Sydney  
Direct Line 02 9224 5103 çFax 02 9224 5122 \*  
Evangelos\_G\_Manollaras@agd.nsw.gov.au

----- Forwarded by Evangelos G Manollaras/CSO/NSW\_AG on 02/02/2012 09:23 AM  
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"David Wells" <David.Wells@facs.nsw.gov.au>  
02/02/2012 08:52 AM

To  
<Evangelos\_Manollaras@agd.nsw.gov.au>  
cc  
"Viet Nguyen \ (Legal)" <VietHoang.Nguyen@facs.nsw.gov.au>, "Joanna Mitchell"  
<Joanna.Mitchell@facs.nsw.gov.au>  
Subject  
RE: Biles

Evangelos

Instructions received.

Please proceed with application as recommended.

David Wells  
Team Leader, General Litigation  
Legal Services Branch  
Department of Family and Community Services  
Community Services

DX 20803 The Entrance  
Phone (02) 4333 3254  
Fax (02) 4333 3257

From: Evangelos\_Manollaras@agd.nsw.gov.au  
[mailto:Evangelos\_Manollaras@agd.nsw.gov.au] Sent: Thursday, 2 February 2012  
07:55 AM  
To: David Wells  
Cc: Jodie\_Vella@agd.nsw.gov.au  
Subject: Fw: Biles  
Importance: High

David

I refer to my email yesterday seeking instructions to proceed with an application to have the plaintiff's action dismissed as an abuse of process, such application to be filed as soon as possible, made returnable on 20 February 2012, the same date as the plaintiff's application under the Limitation Act 1969 is listed for hearing, so as to ensure that the Court considers it prior to the application by the plaintiff.

Following my email to you you requested a short advice from counsel.

I enclose an email containing a joint advice by Michael Cashion SC and Paul Arblaster, which briefly discusses the reasons for the proposed application, and the prospects of it's success.

As the time before the plaintiff's application is listed is limited, it would be appreciated to receive timely instructions, if the Department is minded to accept the advice and proceed with the application. Counsel envisage that the plaintiff's lawyers be given an opportunity to comment on the proposal before the application is filed, and then it is proposed to consider the plaintiff's objections, before filing the actual application. In other words it would be nice to get instructions within 24 hours, but at the same time I appreciate that a submission may be necessary, and the obtaining of a formal approval. If I can be of any assistance in expediting the approval, please let me know.

Evangelos G Manollaras  
Solicitor  
for Crown Solicitor

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----- Forwarded by Evangelos G Manollaras/CSO/NSW\_AG on 02/02/2012 07:46 AM  
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"Paul Arblaster" <parblaster@selbornechambers.com.au>  
01/02/2012 04:05 PM

To  
<Evangelos\_Manollaras@agd.nsw.gov.au>  
cc  
<mcashion@sixthfloor.com.au>, <Jodie\_Vella@agd.nsw.gov.au>  
Subject  
Biles

Dear Angelo

Please see attached memorandum of advice in relation to the proposed application. I will send the original by DX.

Kind regards  
Paul Arblaster

Ninth Floor Selborne Chambers  
174 Phillip Street Sydney NSW 2000  
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