

21. JUL. 2008 15:10

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* * * COMMUNICATION RESULT REPORT (15. JUL. 2008 15:58) * * *

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CROWN SOLICITOR'S OFFICE
 NEW SOUTH WALES

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25 June 2008

Bell & Johnson
 Solicitors
 DX 6251 NARRABRI

By facsimile (02) 6792-3905

Dear Partners,

State of New South Wales **at** **AIL** & Anor

I refer to your letter dated 20 June 2008 enclosing, amongst other things, a subpoena to produce addressed to the State of New South Wales.

Noting that the subpoena is addressed to the State of New South Wales and noting the documentation sought in the Schedule to the subpoena, it is my view that the subpoena is so wide as to amount to a fishing expedition of every possible conceivable document that the State of New South Wales, and each and every Department which forms the State of New South Wales may hold.

In relation to the material sought, even if the respondent to the subpoena was changed to the Department of Community Services, rather than the State of New South Wales, the subpoena would still be considered far too wide and really amounts to discovery in circumstances where discovery is not otherwise available without leave of the Court.

In addition, with respect to the material sought, there appears to be no legitimate forensic purpose and objection is also taken on this point.

In the circumstances, I request you to consider withdrawing the subpoena. Failure to do so within 7 days, will necessitate the State seeking to move the Court to set aside the subpoena and to seek costs from the plaintiff in relation to that application.

I now note that the plaintiff's subpoena was returnable yesterday, 14 July 2008. Through inadvertence I had not realised that until just a few moments ago. I apologise for the oversight. Nevertheless, the objections to the subpoena stand in relation to any further return data obtained.

Yours faithfully

Evangelos G Manoullaras
 Evangelos G Manoullaras
 Solicitor
 for Crown Solicitor