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CROWN SOLICITOR'S OFFICE

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7 August 2008

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Fax (02) 6992 3905
 Dear Partners

State of New South Wales ats Douglas Bruce Biles & Anor

I refer to previous correspondence.

In my view it is inappropriate that the Plaintiff has filed a Statement of Claim on behalf of the two plaintiffs in this matter. Having regard to the nature of the claim being made on behalf of each plaintiff, and the allegations made by each plaintiff, two separate Statements of Claim should have been filed. Notwithstanding my current view and without prejudice to the Defendant's bringing a Notice of Motion before the court seeking to remedy the situation, I seek further and better particulars in respect of the claim made by Mr Biles claim as follows:-

A. AS TO THE CLAIM BY DOUGLAS BRUCE BILES

This and the following ... 17 ... page(s) is the Annexure
 marked with the letter "B" referred to in the Affidavit

of E. G. MANOLLARAS

Sworn 11 FEBRUARY 2009

at SYDNEY

Before me.

Peter Howe
 A Justice of the Peace/Solicitor

As to the Statement of Claim

As to Paragraph 2:-

1. Please identify the "material times" referred to.
2. What are the facts, matters and circumstances alleged in support of the claim that the Defendant was "responsible" for the operation of the Department of Youth & Community Services?.
3. Identify the nature and extent of the responsibility referred to.

As to Paragraph 3:-

4. Please identify the "material times" referred to.

5. Please specify the material facts and circumstances relied upon in support of the allegation that the Defendant "funded" the Bethcar Children's Home.
6. Which department, body or entity on behalf of the Defendant "funded" the said children's home?
7. What are the material facts and circumstances in support of the allegation that the Defendant "allowed" the Bethcar Children's Home to operate as the facility alleged?
8. Which department, branch or entity associated with the Defendant is it alleged "allowed" the Bethcar Children's Home to operate as the facility alleged?
9. Which government department or minister (e.g. Minister for Community Services, Minister for Health or a Minister of any other department) is it alleged was responsible for the funding of the Bethcar Children's Home?

As to Paragraph 4:-

10. Provide the date upon which the plaintiff is alleged to have been removed from her parents and family, as alleged in Paragraph 4(a).
11. On how many occasions during the relevant period is it alleged that the Plaintiff was removed from her parents or family? Please provide the date of each such removal, and the duration of the periods relating to each such removal. Further, please provide the date as to when the Plaintiff was returned to the care of her parents or family, if applicable.
12. Was the Plaintiff made a Ward of the State on one or more than one occasion?
Further:-
 - (a) Specify the date(s) when the Plaintiff became a Ward of the State.
 - (b) If the Plaintiff was admitted as a Ward subject to State control by any court order, then:-
 - (i) Identify the Children's Court which made the said order; and
 - (ii) Identify the date(s) when the Plaintiff was admitted to wardship;
 - (iii) Advise whether any wardship order was discharged at any time, and if so when and by what process such wardship was discharged.
 - (iv) Please specify the periods when the Plaintiff was placed in foster care by her family, as alleged in Paragraph 4(b).
 - (v) Please provide the dates when the Plaintiff was placed in full-time live-in care by her family, as alleged in Paragraph 4(b).
 - (vi) Identify by name, or some other identifying feature, the name of the foster carers with whom the Plaintiff was placed by her family, as alleged in Paragraph 4(b).

- (vii) Identify by name or some other identifying feature the name of the full-time carers with whom the Plaintiff was placed by her family, as alleged in Paragraph 4(b).
13. Specify the number of times that the Plaintiff was allegedly removed from her parents by the Defendant during the period 1970 to 1989, as alleged in Paragraph 4(a).
14. Specify the number of times that the Plaintiff was removed from her family by the Defendant during the period 1970 to 1989, as alleged in Paragraph 4(a).
15. In respect of each placement made during the period 1970 to 1989, please provide details as to the identity of the carer and the address of the premises where the carer was located.
16. Did the Plaintiff ever abscond from either the care of the Department or the care of any foster parent or carer? If the answer is in the affirmative, then:-
- (i) Provide the reasons, frequency, dates and times of such.
 - (ii) Did the Plaintiff ever do so with any other person(s)?
 - (iii) Did the Department ever take steps to receive the Plaintiff into care?
 - (iv) Is it alleged that the Department allowed the Plaintiff to so abscond?
17. During any period when the Plaintiff had absconded from the care of the Department or any foster carer, had the Plaintiff been involved in any criminal acts or offence(s)? If the answer is yes, then:
- (i) Please provide full details and/or police reports of such.
 - (ii) Please specify the time(s) and number of offences that the Plaintiff was involved in.

As to Paragraph 5:

18. What are the material times that the Plaintiff alleges the Defendant was responsible for the care of the Plaintiff?
19. What are the facts and circumstances to support the allegation that the Defendant was responsible for the care of the Plaintiff during the alleged material times?
20. What are the material times that the Plaintiff alleges the Defendant was responsible for the wellbeing of the Plaintiff?
21. What are the material facts and circumstances to support the allegation that the Defendant was responsible for the wellbeing of the Plaintiff during the material times alleged?
22. What are the material facts and circumstances to support the allegation that the Defendant had legal responsibility for the care and wellbeing of the Plaintiff during the material times alleged?

As to Paragraph 6:

23. Identify the servants and / or agents of the Defendant responsible for this allegation, as well as with respect to each of questions 24 – 28 which follow,
24. What are the material facts and circumstances to support the allegation that the Defendant caused the Plaintiff to be placed in the care of the Gordon's?
25. What are the material facts and circumstances to support the allegation that the Defendant caused the Plaintiff to be placed in care at Anson Street, Orange?
26. What does the Plaintiff mean by the use of the expression "caused" within the terms of this paragraph?
27. What are the material facts and circumstances to support the allegation that the Defendant allowed the Plaintiff to be placed in the care of the Gordon's?
28. What are the material facts and circumstances to support the allegation that the Defendant allowed the Plaintiff to be placed in care at Anson Street, Orange?
29. What does the Plaintiff mean by the use of the expression "allowed" within the terms of this paragraph?
30. Please specify each and every time in terms of date(s) and time period(s) that the Plaintiff alleges that the Defendant caused the Plaintiff to be placed in the care and control of Bert Gordon.
31. Please specify in terms of dates or otherwise each and every time the Plaintiff alleges that the Defendant caused the Plaintiff to be placed in the care and control of Edith Gordon.
32. On how many occasions in total during the relevant period was the Plaintiff placed in the care and under the control of Bert Gordon, as referred to in this paragraph?
33. On how many occasions during the relevant period was the Plaintiff placed in the care and under the control of Edith Gordon as referred to in this paragraph?
34. Please identify by date the placement which the Plaintiff alleges occurred at Anson Street, Orange.
35. Who does the Plaintiff alleged ran the premises referred to in this paragraph as Anson Street, Orange?
36. Identify by name or some other suitable means of identification the person responsible for the running of Anson Street, Orange during the relevant period.

As to Paragraph 7:

37. What are the material facts and circumstances to support the allegation that the Defendant "retained" the Gordon's to provide care for the Plaintiff as alleged?
38. What are the material facts and circumstances to support the allegation that the Defendant "allowed" the Gordon's to provide care for the Plaintiff in the circumstances as alleged?

39. Who on behalf of the Defendant retained the Gordon's to provide such care?
40. Who on behalf of the Defendant allowed the Gordon's to provide such care to the Plaintiff?
41. What are the "circumstances" referred to in this paragraph?
42. What are the material facts and circumstances alleged so as to support the allegation that Bert Gordon was the agent of the Defendant?
43. What are the material facts and circumstances relied upon by the Plaintiff to support the allegation that Edith Gordon was the agent of the Defendant?
44. How is it alleged that the agency between the Defendant and Edith Gordon arose?
45. How did the agency between the Defendant and Bert Gordon arise? Further:-
 - (i) Identify the terms of the agency referred to, and
 - (ii) Identify the scope of the agency referred to.

As to Paragraph 8

46. Identify the period(s) when the Plaintiff resided at Bethcar Childrens Home, as referred to in this paragraph.
47. Identify the period(s) when the Plaintiff was allegedly exposed to the care of Colin Gibson.
48. Identify the period(s) when the Plaintiff was alleged exposed to the care of AIT [REDACTED].
49. Identify the nature of the care referred to.
50. What was the function or capacity of Colin Gibson at Bethcar Childrens Home during the period(s), as alleged?
51. What was the function of and/or capacity of AIT [REDACTED] at Bethcar Childrens Home during the period(s), as alleged?

As to Paragraph 9

52. What are the "material times" referred to? (It must be borne in mind that the Plaintiff appeared to be alleging the relevant period as covering the period 1970 to 1989, whilst at the same time is making allegations in relation to specific periods during that more extended period. In this respect, please provide details of what is alleged with a degree of specificity so that the Defendant can clearly understand the nature of the allegations being made).
53. What are the "material times" referred to? Please identify the material times in terms of dates or years, and relate same to individual events so that the Defendant can properly understand the nature of the complaints being made by the Plaintiff.
54. Was the Plaintiff aged two months?

55. Was the Plaintiff aged 16 years?
56. If the Plaintiff was aged between two months and 16 years, then identify the material times with reference to the Plaintiff's age as referred to.

As to Paragraph 10

57. It is noted that the Plaintiff alleges that the Defendant owed her a duty of care. However, it is not pleaded as to how that duty of care arose, or the circumstances surrounding same. In this respect, it is contended that the Plaintiff's pleading is defective. In any event, please provide the following particulars relating to this allegation:-

- (i) What are the material facts and circumstances to support the allegation that the Defendant owed the Plaintiff a duty of care?

58. How did the same duty of care arise?
59. Identify the scope and nature of the said duty of care.

As to Paragraph 11:

60. Whilst at Bethcar, identify each and every injury allegedly suffered by the Plaintiff including details of:-
- (i) The nature of every injury suffered.
- (ii) The dates and times when such injury was suffered.
- (iii) The circumstances when each such injury was suffered.
- (iv) The place where each such injury was suffered
- (v) The person who caused such injury, and
- (vi) The manner in which such injury was caused.
- (vii) If treatment was received in relation to each such injury then:
- (a) Who provided such treatment
- (b) When and where was such treatment provided.
- (c) What was the nature of such treatment provided.
- (d) Over what period of time was such treatment provided.
- (e) What was the costs of each such treatment.
61. Whilst at Bethcar, provide details relating to:-
- (i) The alleged physical abuse perpetrated by Bert Gordon.
- (ii) The alleged physical abuse perpetrated by Edith Gordon.
- (iii) The alleged physical abuse perpetrated by Colin Gibson.

- (iv) With respect to each alleged act of physical abuse, provide details of:-
- (a) The nature of the said physical abuse by Bert Gordon and each occasion (including time, date and place) when such physical abuse was carried out.
 - (b) The nature of the said physical abuse perpetrated by Edith Gordon and each occasion (including time, date and place) when such physical abuse was carried out.
 - (c) The nature of the said physical abuse perpetrated by Colin Gibson and details as to when such physical abuse occurred (including time, date and place).
62. Whilst at Bethcar, provide details of:-
- (i) The alleged mental abuse perpetrated by Bert Gordon.
 - (ii) The alleged mental abuse perpetrated by Edith Gordon.
 - (iii) The alleged mental abuse perpetrated by Colin Gibson.
 - (iv) With respect to each alleged act of mental abuse, provide details of:-
 - (a) The nature of the said mental abuse by Bert Gordon and each occasion (including time, date and place) when such mental abuse was carried out.
 - (b) The nature of the said mental abuse perpetrated by Edith Gordon and each occasion (including time, date and place) when such mental abuse was carried out.
 - (c) The nature of the said mental abuse perpetrated by Colin Gibson and details as to when such mental abuse occurred (including time, date and place).
63. Whilst at Bethcar, provide details of:
- (i) The alleged sexual abuse perpetrated by Bert Gordon.
 - (ii) The alleged sexual abuse perpetrated by Edith Gordon.
 - (iii) The alleged sexual abuse perpetrated by Colin Gibson.
 - (iv) With respect to each alleged act of sexual abuse, provide details of:-
 - (a) The nature of the said sexual abuse by Bert Gordon and each occasion (including time, date and place) when such sexual abuse was carried out.
 - (b) The nature of the said sexual abuse perpetrated by Edith Gordon and each occasion (including time, date and place) when such sexual abuse was carried out.

- (c) The nature of the said sexual abuse perpetrated by Colin Gibson and details as to when such sexual abuse occurred (including time date and place).
64. Whilst at Bethcar, provide details of:
- (i) The alleged emotional abuse perpetrated by Bert Gordon.
 - (ii) The alleged emotional abuse perpetrated by Edith Gordon.
 - (iii) The alleged emotional abuse perpetrated by Colin Gibson.
 - (iv) With respect to each alleged act of emotional abuse, provide details of:-
 - (a) The nature of the said emotional abuse by Bert Gordon and each occasion (including time, date and place) when such emotional abuse was carried out.
 - (b) The nature of the said emotional abuse perpetrated by Edith Gordon and each occasion (including time, date and place) when such emotional abuse was carried out.
 - (c) The nature of the said emotional abuse perpetrated by Colin Gibson and details as to when such emotional abuse occurred (including time, date and place).
65. With respect to each act of physical abuse alleged, identify where, when and under what circumstances same occurred.
66. With respect to each act of mental abuse alleged, identify where, when and under what circumstances same occurred.
67. With respect to each act of sexual abuse alleged, identify where, when and under what circumstances same occurred.
68. With respect to each act of emotional abuse alleged, identify where, when and under what circumstances same occurred.

As to Paragraph 11:

69. Whilst at Orange, identify each and every injury allegedly suffered by the Plaintiff including details of:-
- (i) The nature of every injury suffered.
 - (ii) The dates or times when such injury was suffered.
 - (iii) The circumstances when each such injury was suffered.
 - (iv) The place where each such injury was suffered
 - (v) The person who caused such injury, and
 - (vi) The manner in which such injury was caused.

70. Whilst at Orange, provide details relating to:-
- (i) The alleged physical abuse perpetrated by Bert Gordon.
 - (ii) The alleged physical abuse perpetrated by Edith Gordon.
 - (iii) The alleged physical abuse perpetrated by Colin Gibson.
 - (iv) With respect to each alleged act of physical abuse, provide details of:-
 - (a) The nature of the said physical abuse by Bert Gordon and each occasion when such physical abuse was carried out.
 - (b) The nature of the said physical abuse perpetrated by Edith Gordon and each occasion when such physical abuse was carried out.
 - (c) The nature of the said physical abuse perpetrated by Colin Gibson and details as to when such physical abuse occurred.
71. Whilst at Orange, provide details of:-
- (i) The alleged mental abuse perpetrated by Bert Gordon.
 - (ii) The alleged mental abuse perpetrated by Edith Gordon.
 - (iii) The alleged mental abuse perpetrated by Colin Gibson.
 - (iv) With respect to each alleged act of mental abuse, provide details of:-
 - (a) The nature of the said mental abuse by Bert Gordon and each occasion when such mental abuse was carried out.
 - (b) The nature of the said mental abuse perpetrated by Edith Gordon and each occasion when such mental abuse was carried out.
 - (c) The nature of the said mental abuse perpetrated by Colin Gibson and details as to when such mental abuse occurred.
72. Whilst at Orange, provide details of:
- (i) The alleged sexual abuse perpetrated by Bert Gordon.
 - (ii) The alleged sexual abuse perpetrated by Edith Gordon.
 - (iii) The alleged sexual abuse perpetrated by Colin Gibson.
 - (iv) With respect to each alleged act of sexual abuse, provide details of:-
 - (a) The nature of the said sexual abuse by Bert Gordon and each occasion when such sexual abuse was carried out.
 - (b) The nature of the said sexual abuse perpetrated by Edith Gordon and each occasion when such sexual abuse was carried out.
 - (c) The nature of the said sexual abuse perpetrated by Colin Gibson and details as to when such sexual abuse occurred.

73. Whilst at Orange, provide details of:
- (i) The alleged emotional abuse perpetrated by Bert Gordon.
 - (ii) The alleged emotional abuse perpetrated by Edith Gordon.
 - (iii) The alleged emotional abuse perpetrated by Colin Gibson.
 - (iv) With respect to each alleged act of emotional abuse, provide details of:-
 - (a) The nature of the said emotional abuse by Bert Gordon and each occasion when such emotional abuse was carried out.
 - (b) The nature of the said emotional abuse perpetrated by Edith Gordon and each occasion when such emotional abuse was carried out.
 - (c) The nature of the said emotional abuse perpetrated by Colin Gibson and details as to when such emotional abuse occurred.
74. With respect to each act of physical abuse alleged, identify where, when and under what circumstances same occurred.
75. With respect to each act of mental abuse alleged, identify where, when and under what circumstances same occurred.
76. With respect to each act of sexual abuse alleged, identify where, when and under what circumstances same occurred.
77. With respect to each act of emotional abuse alleged, identify where, when and under what circumstances same occurred.
78. If treatment was sought and obtained with respect to any injury suffered, then identify:
- (i) Who provided such treatment
 - (ii) When was such treatment provided
 - (iii) Where was such treatment provided
 - (iv) What was the nature of such treatment provided.

As to Paragraph 12:

79. What is meant by the use of the term "such abuse"? More particularly, identify the abuse referred to.
80. What are the material facts and circumstances relied upon to support the allegation that such abuse constituted an "egregious assault"? More particularly, with respect to each and every incident of abuse complained of, what are the material facts and circumstances to support the allegation that:-
- (i) The physical abuse referred to in Paragraph 11 constituted an "egregious assault", and
 - (ii) Such mental abuse constituted an "egregious assault", and

- (iii) Such emotional abuse constituted an "egregious assault", and
 - (iv) Such sexual abuse constituted an "egregious assault".
81. It is noted that no material facts and circumstances have been alleged supportive of the allegation that the Defendant is vicariously liable for the matters complained of in Paragraph 11. In this respect, please provide the following information:-
- (i) The material facts and circumstances upon which the Plaintiff relies to impute vicarious liability upon the Defendant for the actions carried out by:-
 - (a) Bert Gordon;
 - (b) Edith Gordon;
 - (c) Colin Gibson.
82. It is alleged that the Defendant, by its servants and/or agents, were aware of the alleged assaults carried out as pleaded in Paragraph 11? If the answer is in the affirmative, then:-
- (i) What are the material facts and circumstances in support of the allegation that the Defendant, by and through its servants and/or agents (other than the Gordons and the Gibsons), was so made aware, and
 - (ii) Details as to how the Defendant was so made aware;
 - (iii) When the Defendant was so made aware;
 - (iv) With respect to what specific incident(s) was the Defendant so made aware;
 - (v) What was told to the Defendant so as to so make it aware, and
 - (vi) What did the Defendant do, if anything, upon being so made aware in relation to each incident?
 - (vii) Which servants and / or agents of the Defendant were so aware?

As to Paragraph 13:

83. It is noted that an allegation of negligence is made against the Defendant. The servant and/or agent against whom negligence is alleged has not been identified, and it is considered that this is a substantial defect in the Plaintiff's pleadings. As you would be aware, the Defendant being the State of New South Wales cannot be negligent other than through its appropriate servants and/or agents. You are invited to re-plead the Statement of Claim in proper form and in compliance with the Rules. In the meantime, please provide the following particulars.
84. As to Paragraph 13(a), identify the servant(s) and/or agent(s) of the Defendant in order to ground this particular of negligence. Further:-
- (i) What are the material facts and circumstances relied upon in support of the allegation that the Defendant failed in its duty to the Plaintiff by not assessing or properly assessing the people referred to?

- (ii) What are the material facts and circumstances in supporting the allegation that the Defendant did not properly screen the people referred to?
 - (iii) What specifically is it alleged that the Defendant did not do which it ought to have done?
 - (iv) What does the Plaintiff allege constituted "properly assessing" the people referred to?
85. As to Paragraph 13(b), which servant(s) and/or agent(s) of the Defendant is responsible for this particular of negligence? Further:-
- (i) What regular checks is it alleged ought to have been made?
 - (ii) What proper checks is it alleged ought to have been made?
 - (iii) What are the "checks" referred to?
86. As to Paragraph 13(c), identify the servant(s) and/or agent(s) of the Defendant who are responsible for this particular of negligence. Further:-
- (i) What is a "properly trained assessor" as referred to?
 - (ii) Were any checks carried out on the wellbeing of the Plaintiff? If so, then who on behalf of the Defendant carried out such checks and,
 - (iii) With what frequency were such checks carried out?
87. As to Paragraph 13(d), which servant(s) and/or agent(s) of the Defendant are allegedly responsible for this particular of negligence. Further:
- (i) Is it alleged that no adequate and reasonable checks were undertaken?
 - (ii) Alternatively, is it alleged that there were checks undertaken on the Plaintiff as referred to in this sub-paragraph, but such checks were not adequate and reasonable checks?
 - (iii) What is it alleged would have constituted adequate and reasonable checks in the circumstances?
88. As to Paragraph 13(e), identify by name or some other means of identification the servant(s) and/or agent(s) of the Defendant allegedly responsible for this particular of negligence. Further, provide information as to:-
- (i) The date(s) that any report of abuse was made either for or on behalf of the Plaintiff;
 - (ii) The substance of any such report made to the Defendant's servant(s) and/or agent(s);
 - (iii) If the report was in writing then identify the document
 - (iv) If the report was oral then who on behalf of the plaintiff made such report.

- (v) If the report was oral, then to which servant and / or agent of the defendant was such report made.
 - (vi) The content of any such report made.
 - (vii) The nature of the abuse which was reported;
 - (viii) The alleged perpetrator with respect to each such report made;
 - (ix) With respect to each alleged report of abuse, what does the Plaintiff allege the Defendant ought to have done in the circumstances?
89. As to Paragraph 13(f), identify the servant(s) and/or agent(s) of the Defendant who are said to have failed with respect to this particular of negligence. Further:-
- (i) Identify the duty of care referred to;
 - (ii) Identify how the said duty of care arose;
 - (iii) Identify the alleged scope of the duty of care;
 - (iv) What is it alleged that the Defendant failed to do which it otherwise should have done within the meaning of this particular of negligence?
 - (v) What is meant by the use of the word "generally" within the meaning of this sub-paragraph?
90. As to Paragraph 13(g), identify which servant(s) and/or agent(s) of the Defendant are referred to. Further:-
- (i) What are the material facts and circumstances in support of the allegation that the Defendant allowed the Plaintiff to be exposed to the care of Colin Gibson?
 - (ii) Is it alleged that the Defendant, by and through its servant(s) and/or agent(s) was aware of any abuse perpetrated by Colin Gibson against the Plaintiff. If so, then provide information as to how the Defendant so became aware.
91. As to Paragraph 13(h), is it alleged that the Defendant did not have in place any protocol at all? In the alternative, is it alleged that the Defendant did have a protocol in place, but such protocol was not "properly devised"? Further:-
- (i) What does the Plaintiff maintain constitutes a properly devised protocol to screen and review children, as alleged?
92. As to Paragraph 13(i), is it alleged that the Defendant did not conduct any detailed physical and emotional evaluation of the Plaintiff? In the alternative, is it alleged that there were physical and emotional evaluations of the Plaintiff carried out, but that same were inadequate? Further:-
- (i) What is said to constitute regular detailed physical and emotional evaluations?
 - (ii) What is meant by the use of the term "regular" in the circumstances?

- (iii) What is meant by the use of the term "detailed" in terms of the allegation made?
 - (iv) What physical evaluation of the Plaintiff is it alleged should have been carried out?
 - (v) What emotional evaluation of the Plaintiff is it alleged should have been carried out?
 - (vi) Who is it alleged should have carried out such evaluations?
93. As to Paragraph 13(j), identify the servant(s) and/or agent(s) of the Defendant allegedly responsible for this particular of negligence. Further:-
- (i) On what basis is it alleged that the Defendant "allowed" the Plaintiff to be in a dangerous environment?
 - (ii) What is the "dangerous environment" referred to?
 - (iii) What facility is it alleged should have existed in terms of this particular of negligence?
 - (iv) Is it alleged that the Defendant was aware that the Plaintiff was in a dangerous environment? If so, then identify the time, date and place when such dangerous environment was said to exist

Injuries and Treatment

94. What were the nature and extent of the injuries sustained by the plaintiff?
95. What were the nature, extent and duration of the disabilities (if any) arising out of the injuries sustained by the plaintiff? If any such disabilities are continuing, please specify the present prognosis for their resolution by further treatment.
96. As to hospital treatment (if any), please specify:
- (a) Name and location of the hospital(s).
 - (b) Date(s) of admission and dates(s) of discharge.
 - (c) Date(s) of Out-patient treatment (if any).
 - (d) Nature of operative treatment (if any) received by the plaintiff.
 - (e) Date(s) of such operative treatment.
 - (f) Name(s) of the surgeon(s) who performed such operative treatment.
 - (g) Will the plaintiff authorise the hospital(s) to furnish to me a copy of the clinical notes?
 - (h) If you have a copy of such clinical notes will you supply me with a legible photocopy thereof at my expense?
97. As to medical treatment (if any), please specify:
- (a) The name and address of the treating doctor.

- (b) The nature of the treatment received including specification of medicines prescribed.
- (c) Date(s) on which such treatment was received.
98. As to ancillary treatment (if any) including physiotherapy, prosthetic application and rehabilitation, please specify:
- (a) Name and address of treating person
- (b) Nature of the treatment received.
- (c) Date(s) on which such treatment was received.
99. As to investigation procedures (if any) undergone by the plaintiff including myoeleography, X-rays and exploratory surgery, please specify:
- (a) Name and address of investigating body.
- (b) Nature of the investigation.
- (c) Date(s) on which the investigation(s) were made.
100. What are the plaintiff's date of birth and marital status?
101. Has the plaintiff sustained any other injury either prior to or subsequent to the accident in question. If so, please specify:
- (a) The nature and extent of such injury.
- (b) The date(s) on which the plaintiff sustained any such injury.
- (c) The circumstances in which the plaintiff sustained any such injury.
- (d) The treatment history of such injury.
- (e) The extent to which it is alleged:-
- (i) the accident aggravated any prior injury;
- (ii) any injury subsequent to the accident aggravated the injury sustained in the accident.

Out-of-Pocket Expenses

102. In relation to each item of hospital treatment, medical treatment, ancillary treatment, and investigative procedures referred to above please specify the cost thereof.
103. As to chemist expenses (if any), please specify:
- (a) Name and address of chemist.
- (b) Description of item purchased.
- (c) Whether purchased on prescription or otherwise.
- (d) Date of purchase.
- (e) Cost of purchase.
104. As to ambulance expenses (if any), please specify:
- (a) The name of the ambulance service.

- (b) The places between which the service was provided.
 - (c) The date(s) on which the service was provided.
 - (d) The cost of the service(s).
105. As to other expenses (if any) including travelling, accommodation, child minding, nursing, rehabilitative institutional fees, special apparatus, prosthesis, house or vehicle modifications, please specify:
- (a) Name and address of the person(s) or organisation(s) supplying goods or services.
 - (b) Nature of the goods or services supplied.
 - (c) Date(s) or period over which the goods or services were supplied.
 - (d) Cost of the goods or services.
106. Have any of the abovementioned out-of-pocket expenses been paid? If so, please specify as to each item:
- (a) Who made the payment.
 - (b) When the payment was made.
107. Did the plaintiff receive any Medicare or nursing home benefits? If so, please provide full particulars
108. Please provide the plaintiff's Medicare number. Your attention is drawn to the provisions of the *Health and Other Services (Compensation) Act 1995 (C'th)*.
109. Does the plaintiff have private hospital or medical insurance? If so, please specify:
- (a) Which accounts (if any) have been paid by such insurer.
 - (b) Which accounts (if any) having been paid by the plaintiff, such insurer has made a refund to the plaintiff and the amount of such refund.
 - (c) In relation to each account which such insurer has paid or reimbursed the plaintiff or will make such payment or reimbursement, whether such payment is refundable to such insurer out of any verdict received by the plaintiff and whether a claim for such refund has been made by such insurer.

Economic Loss

110. Does the plaintiff make any claim for economic loss; if so please indicate the basis on which it is to be assessed.

Domestic Assistance

It is noted that the Plaintiff is claiming 20 hours per week "either" domestic assistance or paid commercial care for the remainder of her life expectancy (see Statement of Particulars filed 23 May, 2008). With respect to the Plaintiff, such particularisation of the claim is not adequate. Nor is particularisation of future domestic assistance adequate. Notwithstanding this defect, a request is made for the following information so that the Defendant can at least embark upon initial inquiries with respect to this aspect of her claim.

As to past domestic assistance:

111. What is the nature of the "significant assistance" referred to in the Statement of Particulars filed pursuant to Rule 15.12? Further:-

- (a) Identify each and every aspect of assistance allegedly provided to the Plaintiff since turning the age of 18;
- (b) Identify the person or persons who provided such assistance;
- (c) With respect to each aspect of assistance, provide details as to how many hours per week were required to assist the Plaintiff in carrying out each aspect of the alleged significant assistance.
- (d) Has the Plaintiff paid any monies at all to person(s) for such assistance? If so, then identify the person or organisation to whom such payments have been made.
- (e) Identify the material facts and circumstances relied upon to support the allegation that the Plaintiff requires "significant assistance" in any event.

As to future domestic assistance:

112. As to future domestic assistance:-

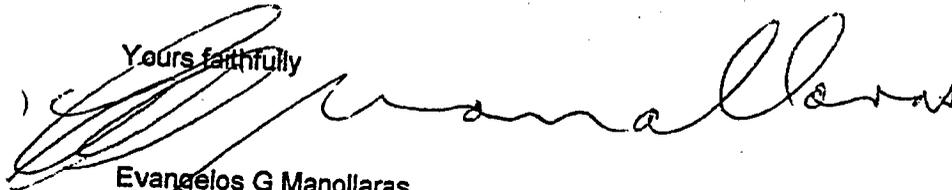
- (a) Identify with particularity the alleged "domestic assistance" required.
- (b) Identify the basis upon which it is alleged that such domestic assistance is required for 20 hours per week.
- (c) Identify the basis upon which it is alleged that "paid commercial care" is allegedly required.
- (d) Has the Plaintiff entered into any agreement or arrangement with any person to provide future domestic assistance? If so, with whom has the Plaintiff entered into such arrangement and what are the terms of such arrangement?
- (e) Has the Plaintiff entered into any arrangement with any person or organisation for the provision of paid commercial care for the future? If so, then identify the person and/or organisation with whom the Plaintiff has entered into such arrangement.

As to Damages generally:

113. Has the Plaintiff ever been the subject of an order made pursuant to any mental health legislation, and if so provide details as to :

- (a) The date, place and circumstances of the order
- (b) The period of the order
- (c) The terms of the order.

Yours faithfully



Evangelos G Manollaras
Solicitor
for Crown Solicitor