



CROWN SOLICITOR'S OFFICE
NEW SOUTH WALES

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23 December 2008

Ms Natalie Neumann
Womens Legal Services NSW
PO Box 206
LIDCOMBE NSW 1825

By facsimile: 9749 4433

Dear Ms Neumann

State of New South Wales ats Biles K M

I refer to your letter dated 22 December 2008.

I note that in the opening paragraph of your letter you indicate that the defendant has not filed a defence. Furthermore you request that defence be filed as soon as possible.

With respect, I find this a rather unusual request in the circumstances given the directions given by Her Honour Judicial Registrar McDonald on 11 September 2008. At that time Her Honour indicated that she wanted to see a separate statement of claim in respect of each of the 15 plaintiffs. Her Honour went further and indicated that in her view the pleadings reflected that there were 15 separate actions which should be covered by 15 separate statements of claim. Her Honour noted that obviously each plaintiff alleged a separate act of assault. Similarly each plaintiff may have had different injuries and different disabilities. It was impossible to try all 15 actions under 1 statement of claim.

In the circumstances, Her Honour made no orders as to the filing of a defence, nor it is submitted could Her Honour make such an order given her observations in relation to a filing of separate statements of claim in respect of each of the 15 claims.

In fact Her Honour made a number of formal orders/notations which include the following:

1. Noted at this stage, that the pleadings did not comply with the Rules;
2. Noted at this stage, that a separate statement of claim is to be filed in respect of every action;
3. Plaintiffs' motion seeking to amalgamate all the actions in a one claim is now returnable before Her Honour on 23 February 2009.

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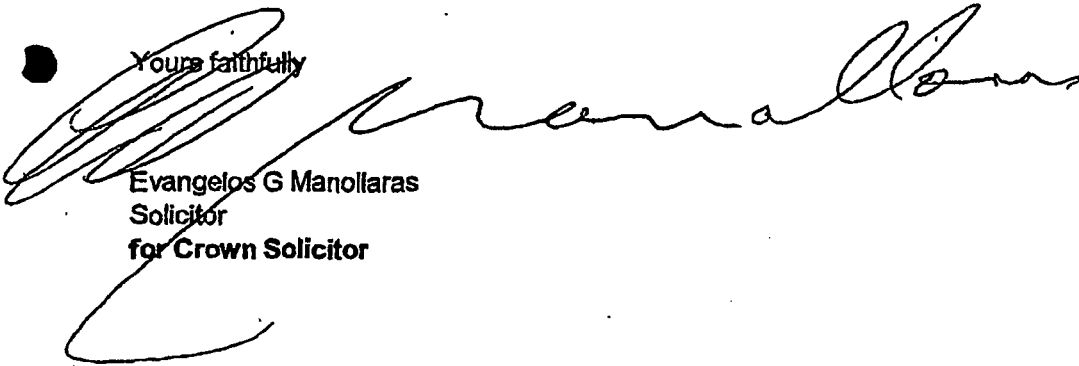
You will appreciate from the orders made by Her Honour on 11 September 2008, that there is no need for the defendant to file a defence at this stage.

Your letter also asks me two specific questions and I respond to them as follows:

1. My present instructions are to raise a limitation defence against the claim by the plaintiffs.
2. In view of what I have said above in relation to the notations made by Her Honour, it is not possible on the present pleadings to make any admissions, given that none of the claims appear to be properly pleaded.

Furthermore, given the orders made by Her Honour on 11 September 2008, can you now file a separate statement of claim on behalf of each of the 15 plaintiffs, and if so, may I please have a copy of each of those claims.

Yours faithfully



Evangelos G Manollaras
Solicitor
for Crown Solicitor