

30. APR. 2009 11:13:59 CROWN SOLICITORS +61 2 92245122

NO. 2999 2390 4 # 2

61 267923905

# **Bell & Johnson** solicitors

An Incorporated Legal Practise under the Legal Profession Act 1987

**GREGORY OWEN MYERS JOHNSON**  
B.A., LL.B. (SYD), SM

51 MAITLAND STREET, NARRABRI NSW 2390  
P: (02) 6792 1200 F: (02) 6792 3905  
robym@bellandjohnson.com.au

**RUSSELL JOHN BOOBY**  
LL.B., A.Dip. Environmental Planning,  
Certified Mediator, SM

OUR REF: RJB:RAS 080075  
YOUR REF: 200801481:T3 Evangelos G Manollaras

29 April 2009

Attention: Evangelos G Manollaras  
Crown Solicitor's Office  
DX 19 SYDNEY

Dear Sir

RE: ANSWERS TO PARTICULARS - AIL

As to the claim by AIL

As to the Statement of Claim

As to paragraph 2

1, 2 and 3 These are a matter for evidence

As to paragraph 3

4. All of the times that the Plaintiff was in the care or control of the Defendant.
5. This would be within the knowledge of the Defendant.
6. This should be within the knowledge of the Defendant.
7. this is a matter for evidence.
8. This should be within the knowledge of the Defendant.
9. This should be within the knowledge of the Defendant.

As to paragraph 4

10. On or about 10 December 1974.
11. This is provided in the subpoenaed material made available to both parties.
12. This is provided in the subpoenaed material made available to both parties.
13. As far as the Plaintiff is aware the date she was removed was 10 December 1974.
14. As per 13 above.
15. Bert and Edith Gordon at Bethcar residence.
16. Awaiting instructions from the Plaintiff.
17. Awaiting instructions from the Plaintiff.

080075.answers to fp AIL .doc

BELL & JOHNSON SOLICITORS PTY LIMITED  
ABN 56 127 244 526

ALL CORRESPONDENCE TO:  
PO BOX 177, NARRABRI NSW 2390  
DX 6251 NARRABRI



Liability limited by a scheme  
approved under Professional  
Standards Legislation

61 267923905

Crown Solicitor's Office

2

29 April 2009

As to paragraph 5

18. Whilst in their care.
19. General common law duty of care.
20. Whilst in their care.
21. This is a matter for evidence.
22. The Defendant held itself out as a home to care for Wards of the State and the owners of the Bethcar residence, Bert and Edith Gordon were paid a sum of money by the Government to provide this care.

As to paragraph 6

23. As per the pleadings.
24. This is a matter for evidence.
25. This is a matter for evidence.
26. General ordinary English meaning of the word 'caused'.
27. This is a matter for evidence.
28. This is a matter for evidence.
29. Did not prevent.
30. This will be provided when the subpoenaed documents have been checked.
31. Whilst the Plaintiff remained under the care of both Bert and Edith Gordon at Bethcar.
32. From approximately December 1974 until approximately 1984 and from approximately end of 1985 to end of 1986 at Orange.
33. See 32 above.
34. See 32 above.
35. To the best of her knowledge the Gordons under the directorship of the Government.
36. This should be within the knowledge of the Defendant.

As to paragraph 7

37. They paid them.
38. They did not prevent them.
39. This should be within the knowledge of the Defendant.
40. This should be within the knowledge of the Defendant.
41. This is not a proper request for particulars.
42. This is a matter for evidence.
43. He was paid by the Defendant.
44. Contractual.
45. This should be within the knowledge of the Defendant or will be a matter for evidence.

As to paragraph 8

46. From approximately 1974 to 1984/1985.
47. See above and later at Orange.
48. Same as the period exposed to Bert Gordon.
49. This will be a matter for evidence.
50. To the best of the Plaintiff's knowledge, he was a handyman on the property who also drove the school bus and took the children to and from school.
51. To the best of the Plaintiff's knowledge, AIT [REDACTED] assisted her husband in maintaining the property at Bethcar.

As to paragraph 9

30. APR. 2009-11:14:59 ; ECROWN SOLICITOR S +61 2 92245122

; NO. 5999239P. 0 # 4.

61 267923905

Crown Solicitor's Office

3

29 April 2009

- 
52. Please refer to the above paragraph identifying the time and Plaintiff was at Bethcar and at Orange.
53. During the time the Plaintiff was under the care of the Gordons and Gibsons.
54. No, the Plaintiff was aged 5 when she was placed in the care of the Gordons.
55. The Plaintiff was approximately aged 16 when she left the care of the Gordons.
56. Refer to answers above.

As to paragraph 10

57. This will be a matter for evidence.
58. See above.
59. See above.

As to paragraph 11

60. Refer to the medical report of Dr Natalie Green, dated 7 October 2008, served in this matter.
61. Please refer to the medical report of Dr Natalie Green and the further allegations will be a matter for evidence.
62. Please refer to the medical report of Dr Natalie Green and further this will be a matter for evidence.
63. Please refer to the medical report of Dr Natalie Green and further this will be a matter for evidence.
64. Please refer to the medical report of Dr Natalie Green and further this will be a matter for evidence.
65. This is a matter for evidence.
66. This is a matter for evidence.
67. This is a matter for evidence.
68. This is a matter for evidence.
69. Please refer to the medical report of Dr Natalie Green and further this will be a matter for evidence.
70. Please refer to the medical report of Dr Natalie Green and further this will be a matter for evidence.
71. This will be a matter for evidence.
72. This will be a matter for evidence.
73. This will be a matter for evidence.
74. This will be a matter for evidence.
75. This will be a matter for evidence.
76. This will be a matter for evidence.
77. This will be a matter for evidence.
78. Refer to the medical report of Dr Natalie Green.

As to paragraph 12

79. Physical, mental and sexual abuse.
80. This will be a matter for evidence.
81. This will be a matter for evidence.
82. This will be a matter for evidence.

As to paragraph 13

83. Noted.
84. The servants and agents were Bert and Edith Gordon, Colin and AIT. AIT. The remainder of 84 is a matter for evidence.

61 267923905

Crown Solicitor's Office

4

29 April 2009

85. See 84 above, the remainder is a matter for evidence.
86. See 84 above, the remainder is a matter for evidence.
87. See 84 above, the remainder is a matter for evidence.
88. See 84 above, the remainder is a matter for evidence.
89. This is a matter for evidence.
90. This is a matter for evidence.
91. This is a matter for evidence.
92. Yes.
93. The Gordons and the Gibsons, the remainder is a matter for evidence.

#### Injury and Treatment

94. Please refer to the report of Dr Natalie Green.
95. As per 94 above.
96. As per 94 above.
97. As per 94 above.
98. Not relevant.
99. Not relevant.
100. 21 July 1970, single.
101. Awaiting instructions and will provide this in detail later.

#### Out of Pocket Expenses

102. Awaiting receipts from Plaintiff.
103. Awaiting receipts from Plaintiff.
104. Not relevant.
105. This is no claim for special apparatus, prosthesis, house or vehicle modification and the Plaintiff will provide receipts for travelling expenses, accommodation and child minding.
106. Awaiting instructions from Plaintiff.
107. We are awaiting instructions and will reply on obtaining those instructions
108. Medicare number 2327 0141 89
109. We are awaiting instructions and will reply on obtaining those instructions.
110. There is no claim for economic loss.

#### Past Domestic Assistance

111. The Plaintiff was assisted mainly by her children and her partner of 15 years, Mr John Bradley. She also relies on friends to assist her through emotional needs when she is not coping. Statements will be obtained and further details provided of past domestic assistance.

#### Future Domestic Assistance

112. The Plaintiff, because of her psychiatric needs, is not capable of functioning on a normal day to day level and often has days where she is confined to bed and because of her depression needs assistance. The Plaintiff lives on her own and in future will require commercial paid care as her family has now grown up.

112(d) No.  
112(e) No.

#### As to damages generally

113. We are obtaining instructions and will reply on obtaining those instructions.

30. APR. 2009 11:16:59 ; CROWN SOLICITOR S +61 2 92245122

NO. 2009  
207923900 # 6.

61 267923905

Crown Solicitor's Office

5

29 April 2009

---

Yours faithfully

**BELL & JOHNSON SOLICITORS**

per:

  
**RUSSELL BOOBY** (Solicitor responsible)  
Robyn Smith (Paralegal)