

**From:** Evangelos G Manollaras <"notes:cn=evangelos g manollaras/ou=cso/o=nsw\_ag">  
**To:** "david.wells" <david.wells@community.nsw.gov.au>  
**Cc:** "robyn.young" <robyn.young@community.nsw.gov.au>  
**Sent:** Thursday, 04/06/2009 10:19 AM  
**Subject:** Fw: AIL & 14 Others v State of NSW

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E-mail to David Wells Department of Community Services  
david.wells@community.nsw.gov.au  
cc: Robyn Young Department of Community Services  
robyn.young@community.nsw.gov.au

Re: State of New South Wales ats AIL and DB 200801481  
(MPL7300915 and MPL7300916) and  
State of New South Wales ats Biles KM & 12 Ors 200802078

I refer to your e-mail dated 29 May 2009, responding to my letter dated 27 May 2009, and I acknowledge the receipt of instructions that the Director General did not want to appeal the decision of Knox DCJ made on 11 May 2009.

The matter was listed for directions before the Judicial Registrar on Monday 1 June 2009. I attended the District Court to instruct Mr Paul Arblaster of Counsel. I enclose a copy of his brief report to me as to what transpired. I would like to add the following comments.

I have approached the Judge's Associate in connection with amending the orders made under the Slip Rule as referred to in Counsel's report. Counsel notes that the Judicial Registrar listed the Department's Notice of Motion which was deferred by Judge Knox for 28 days, on 22 June 2009. It is my understanding that the motion was only listed for directions, and noted that if Judge Knox dealt with that motion prior to 22 June, then the listing for 22 June would be vacated. On the other hand, if nothing was done by 22 June, then the Judicial Registrar would deal with the motion either by listing it in the Reserve List on the following Friday, or list it for hearing as a special fixture. As I understand it, the Judicial Registrar did not intend to deal with the motion on 22 June.

As the 15 actions are now consolidated, you might like to consider what, if any, notification should be made to the TMF in respect of the funding arrangements.

Whilst the estimate previously provided remains the same, I intend to bill all future work to the one matter, namely file number 200801481.

As I understand it, the TMF has issued two MPL numbers and I will leave it to you to inform me as to whether the TMF will consolidate the two MPL numbers into one, and which one.

Evangelos G. Manollaras  
Solicitor  
for Crown Solicitor

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----- Forwarded by Evangelos G Manollaras/CSO/NSW\_AG on 04/06/2009 10:17 AM -----

"Paul Arblaster" <parblaster@selbornechambers.com.au>  
01/06/2009 03:53 PM

To  
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cc

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Subject

AIL & 14 Others v State of NSW

Dear Angelo

The matter came before Judicial Registrar McDonald for directions at 2.30pm today. Ms Wall appeared for the Plaintiffs and I appeared for the Department. The Judicial Registrar noted that the effect of Knox DCJ's Judgment of 11 May 2009 is that the proceedings have been consolidated. Accordingly, the Judicial Registrar directed that the claims continue as proceedings number 2218 of 2008. Ms Wall confirmed that the Plaintiffs have not yet provided the particulars they were ordered to provide by Knox DCJ but that his Honour's order allowed 28 days which does not fall for another week, on 8 June 2009. Ms Wall said that she and Mr Catsanos have spent 8 hours preparing the particulars and expect to be in a position to provide them shortly.

I noted that there is an error in order 5 of his Honour's Judgment in that it appears his Honour intended to require the Plaintiffs to provide the particulars and documents listed in paragraph 4, not paragraph 1(a), and that we are in the process of writing to his Honour's Associate to request that the erratum be corrected.

The Judicial Registrar indicated - and Ms Wall accepted - that the Plaintiffs would be expected to provide 15 separate documents with detailed particulars for each of the Plaintiffs which are to include all of the information listed in order 4 of the Judgment.

The Judicial Registrar listed the Department's notice of motion (to strike out the claims) on 22 June 2009 at 9.30am. Ms Wall requested that the application be heard by Knox DCJ. We requested that it be listed before the Judicial Registrar or in the general list. In the circumstances, the Judicial Registrar noted that there is an issue between the parties as to whether the application is to be listed before Knox DCJ and that the parties may approach the Associate to Knox DCJ to enquire as to whether his Honour expects to hear the application. In terms of the proceedings generally, the matter has been listed for directions before the Judicial Registrar on 31 August 2009 at 2.00pm. The parties have been granted liberty to apply.

Regards

Paul Arblaster

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