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3rd December, 2009

Mr I V Knight
Crown Solicitor
DX 19 SYDNEY

Dear Evangelos,

Re: State of New South Wales ats. Biles & Ors.

Att: Mr. Evangelos Manollaras

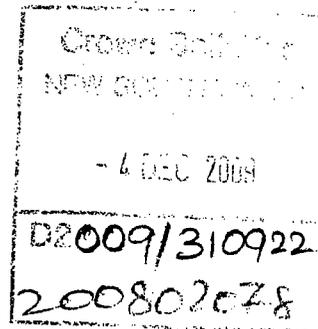
Thank you for your letter dated 1st December, 2009. I confirm that I have sent to you contemporaneously with this letter, a letter relating to the provision of particulars on behalf of each of the plaintiffs.

Mediation is always a very good option for a defendant to take, especially in circumstances where legal costs are going to be horrendous, as is likely to be the situation in the present case.

However, for Mediation to be effective, it requires plaintiffs and their legal advisors to understand and appreciate the legal issues involved in the running of a case. I have severe doubts as to whether the legal advisors acting on behalf of the plaintiffs in these proceedings have even the most basic idea as to what the legal issues are, and what liability problems each plaintiff faces.

In addition to this, in order for Mediation to be successful a realistic approach and assessment needs to be taken and made with respect to each individual plaintiff's claim. One cannot operate on a 'ball park' basis and ask for a global figure to be split amongst the fifteen plaintiffs. Further, one cannot ask for a settlement figure in the same amounts, or similar amounts, to be given with respect to each of the fifteen plaintiffs, because quite obviously their circumstances vary significantly. This is how the legal advisers for the plaintiffs have approached the matter in the past.

I don't know how one can get the message across to the Plaintiffs' legal advisors that they need to give serious consideration as to how they should prepare this matter, not



only for Mediation purposes, but for hearing purposes. Up until the present time the Plaintiffs have been more concerned about trying to have Knox DCJ hear their case, rather than their having to confront the necessity of preparing the individual cases for hearing.

In my short discussions with Junior Counsel for the Plaintiffs (Ms. Helen Wall), I did not get a sense in any way that Ms. Wall firstly, understood the liability and quantum issues involved in each of the cases, or secondly, that she had any realistic perception of how the cases should be approached. On this basis, I limited further communications to Mr. Catsanitis of Senior Counsel, and unfortunately, I did not get the impression that his approach was any more realistic than Ms. Wall's.

For these reasons, it is my belief that an early Mediation without any proper preparation taking place on behalf of the Plaintiffs in these matters would prove fruitless. However, I would be only too happy to be proven wrong.

Further to the above, it is my belief that, as much as the Defendant may wish to avoid the incurring of legal costs and disbursements at this stage, in order to achieve an early resolution of the proceedings it may be necessary to undertake at least some preparatory steps for hearing. At the very least, each of the plaintiffs should be medically examined in relation to the limitation issue which arises with respect to each plaintiff. In prior correspondence I have made it clear what the advantages are as to having the plaintiffs medically examined at the earliest possible stage, and what the obvious disadvantages would be if this were to be delayed. As indicated previously, it is my view that it is going to be very difficult for the Plaintiffs' legal advisors to arrange for the Plaintiffs to be medically examined. Further, an early examination of each of the Plaintiffs would reduce the prospects of collaboration occurring between the Plaintiffs, so as to achieve a consistent story relating to alleged disabilities which have occurred over the past many years. One's experience with group actions such as these is that plaintiffs and their legal advisors, if they suffer a setback in relation to one claim, then attempt to overcome that setback with future claims by whatever means possible. It would be most unfortunate if the Plaintiffs were to be coached or guided in any way as to what medical history they should present to a doctor for the purpose of consideration being given as to whether or not those Plaintiffs were under a disability in the past many years since these events occurred.

Whilst Sir Laurence Street is a highly respected Mediator with the highest credentials, I should indicate that I have had Mediations in the past with him involving persons of indigenous background, and my experience is that he is extremely sympathetic to the plight of such persons, even to the point of encouraging settlement of claims on terms which appear to be favourable to the indigenous person(s). No doubt, part of his attitude relates to his mother's influence, bearing in mind his mother was a highly respected activist in the community many years ago.

I look forward to discussing these matters with you at your earliest convenience.

Yours faithfully,

Patrick Saidi