

Your Ref: 08/4090
My Ref: 200801481 (and 200802078)
T03 Evangelos G Manollaras
Tel: (02) 9224-5103
Fax: (02) 9224-5122
Email: crownsol@agd.nsw.gov.au

15 April 2010 *[This field is a date creation field. The date will change if you save the document as a new document.]*

Ms Josephine Pancia
Legal Officer
Community Services, Department of Human Services NSW
DX 21212 ASHFIELD

By facsimile (02) 9716 2988

Dear Ms Pancia

State of New South Wales ats AIL

I advise that I attended the District Court Sydney with Mr Arblaster when this matter was listed for directions before Judicial Registrar Smith on 13 April 2010. Mr Catsanos of Counsel appeared for the plaintiffs.

There was some delay in dealing with the matter as the Court could not find the file.

I enclose a copy of an Affidavit I served prior to the mention, explaining why the defendant had not filed a Defence by the date by which the defendant had been ordered to do so. His Honour accepted the reason. His Honour made the following orders:

1. Plaintiff to provide particulars outstanding pursuant to order number 2 made by Judge Truss on 16 October 2009, by 27 April 2010.
2. Defences to be filed and served by 11 June 2010.
3. Listed for directions on 15 June 2010, at which time the parties are to have a timetable for action as to how the matter is to be progressed as quickly as possible.

His Honour originally suggested to the parties that on the next directions mention before him on 15 June, he was going to allocate a hearing date. You might take it that this presented a bit of a stir amongst the parties, and Mr Catsanos indicated to his Honour that the matter was a little more complicated and that it involved 15 claimants, that there were limitation issues, and that both parties still had to qualify medical evidence. His Honour beat a hasty retreat and amended order number 3 as noted above.

In relation to order number 1, the enclosed Affidavit provides a copy of the particulars ordered to be provided by Judge Truss in respect of 13 of the 15 plaintiffs. There are, however, particulars outstanding in respect of AIL and Douglas Biles, who are not represented by Women's Legal Services, but instead by Bell & Johnson Solicitors. Whilst there are two firms of solicitors representing the plaintiffs, all 15 claimants have the same Counsel.

I am informed that Bell & Johnson act for AIL [REDACTED] and Douglas because the Women's Legal Services charter does not allow it to represent anyone other than women.

There is also still an outstanding issue concerning privilege claimed by some of the plaintiffs over material produced on subpoena by the VCT. I had some discussion with Counsel for the plaintiffs at Court on 13 April, and Bell & Johnson, acting on behalf of AIL [REDACTED] and Douglas Biles, are to provide particulars of the basis on which the claim for privilege is made.

Following the provision of the outstanding particulars, I will confer with Counsel in relation to settling the Defences, and seek appropriate instructions at the time to file Defences to ensure compliance with the Court order to file and serve Defences by 11 June 2010.

Yours faithfully

Evangelos G Manollaras
Solicitor
for Crown Solicitor

Encl.