

From: Evangelos G Manollaras <"notes:cn=evangelos g manollaras/ou=cso/o=nsw_ag">
To: "Robyn.Young" <robyn.young@dhs.nsw.gov.au>
Sent: Wednesday, 22/12/2010 01:49 PM
Attachments: img-Z21142954-0001.pdf
Subject: Fw: AIL ats NSW

Dear Robyn

I forward a copy of a letter I received from Paul Arblaster in relation to our attendance at District Court on 21 December 2010 before the Judicial Registrar. The enclosed is self explanatory, and I do not propose to add anything to the report.

One point I will clarify however is the estimate for the limitation motion. as you are aware there are 15 plaintiffs. A psych report has been served in respect of each of them, 13 by Jungfer and 2 by Westmore. Each plaintiff has also served an affidavit. Each plaintiff will need to be cross examined, and you will note from reading the medical reports, that they are not easy to cross examine, when they dont want to answer they simply chuck a fit, and evrything is on hold until they come back to it. Counsekl estimated 2 days for each plaintiff and cross examination of each plaintiff's experts. Thats a rough "rule of thumb" estimate.

It is essential to cross examine dr Jungfer. in each of the 13 reports she has opinmed that each plaintiff was incapacitated from age 16 to the present for the purposes of stopping the limitation perioiod running, so incapacitated that they were unable to give any instructions in relation to legal affairs, and compo cases. That is clearly wrong. Each of them has run a VCT claim, so obviously they were capable of giving instructions in relation to that. Most if not all were involved in the criminal trail against Gibson. Some have had brushes with the law, stretching back at least 10 years. See AIL for example. She complained to the police in relation to domestic violence 9 years ago. Jungfer makes no attempt to explain examples like this.

In other words, i forsee the possibbilly of a hearing in excess of 6 weeks, and thats just for the limitation morion.

I will give further consideration to costs estimates in the new year. the present estimate will not be exceeded for some tiome but the present estimate was based on a limitatiopn moptoion hearing of 2 to 3 weeks. Furthermore, present investigations have a suggested a number of follow up investigations, all which will effect the bottom line.

As indicated to you on the telephone a few weeks ago when we briefly discussed liability, i am still doubtful as to whether the plaintiffs were sexually molested, at least not in the manner in which they allege in the s/c and the histories given to the Police and to their own medical experts. In fact, I'm having some difficulty in understanding how a jury convicted Gibson. I quickly add however that some of the transcript is missing, perhaps when that is located and considered, i will have a different opinion. I have now seen the Jodie Gubson video with Det Freer, and I am even less convinced that anything happened in the manner in which she describes. In Gibson's second trial, a REDA, gave evidence for Gibson, which totally contradicts everything that Jodie Gibson says in the video. Moreover, the Crown prosecutor did not cross examine this witness on that evidence.

All in all, i think 6 weeks estimate is close on the money.

merry Xmas, and may you enjoy both your pre and post birth leave.

Evangelos G. Manollaras
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for Crown Solicitor

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----- Forwarded by Evangelos G Manollaras/CSO/NSW_AG on 22/12/2010 01:33 PM

"Paul Arblaster" <parblaster@selbornechambers.com.au>
21/12/2010 03:35 PM

To
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cc
"Patrick Saidi" <saidi@selbornechambers.com.au>
Subject
AIL ats NSW

Dear Angelo and Jodie

I confirm that this matter came before Judicial Registrar Smith for directions this afternoon. Mr Raine of Counsel appeared for the plaintiffs. Thank you for instructing me at Court.

Short Minutes of Order were handed up by consent. I noted that the plaintiffs affidavits annex various medical reports including reports prepared for these proceedings and reports that appear to have been prepared for the purposes of the plaintiffs Victims Compensation Tribunal claims as well as other reports of a medical nature. I requested that the plaintiffs clarify the basis upon which those reports are sought to be adduced into evidence as it is unusual for them to be annexed to plaintiff affidavits. In particular, I noted that it is not clear whether the reports purport to be expert in nature (in which case they would need to comply with the expert witness code of conduct) or as evidence by witnesses of fact. The distinction is also important because it determines which party is responsible for arrange the attendance of the witnesses at Court for the purposes of cross examination.

The Judicial Registrar made orders in accordance with orders 1-7 of the attached Short Minutes of Order and directed that the plaintiffs are to advise the defendant as to the status of the reports. He also commented that this issue should be dealt with between the parties failing which the liberty to apply may be exercised.

The matter has been stood over for directions on 4 May 2011 at 9.30am before the List Judge. The parties are to be ready to have a hearing date allocated on that occasion. I indicated that our estimate for the hearing of the limitation applications is somewhere in the order of six weeks although the preliminary view of Mr Catsanos of Counsel for the plaintiffs is less than six weeks and that we will be better placed to give a more accurate estimate once all of the evidence has been served. The estimate was duly noted by the Judicial Registrar.

Regards
Paul Arblaster

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