

**From:** Jerry Riznyczok <"notes:cn=jerry riznyczok/ou=sco/o=nsw\_ag">  
**To:** Helen Allison <"cn=helen allison/ou=cso/o=nsw\_ag@nsw\_ag">  
**Cc:** "charissa.sun" <charissa.sun@wlsnsw.org.au>  
**Sent:** Friday, 11/10/2013 10:32 AM  
**Attachments:** Sealed Notice of Motion.PDF  
**Subject:** Re: Fw: State of New South Wales v Biles 2012/394728

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CSO REFERENCE: 200801481 - D2013/467743

Dear Practitioners,

I refer to your email of 9 October 2013.

1. The return date of the motion is vacated.
2. The hearing date of 8 November 2013 is vacated.
3. The matter is listed for hearing on 7 March 2014.

Jerry Riznyczok  
Registrar, Court of Appeal  
Supreme Court of NSW  
184 Phillip Street, Sydney  
Fax: (02) 9230 8702

Helen Allison/CSO/NSW\_AG

11/10/2013 09:25 AM

To  
courtofappealregistrar@courts.nsw.gov.au  
cc

Subject  
Fw: State of New South Wales v Biles 2012/394728

Dear Registrar

Could you please advise whether the parties are required to attend on Monday 14 October.

Regards

Helen Allison  
Senior Solicitor  
for Crown Solicitor

NSW Crown Solicitor's Office | Level 5, 60-70 Elizabeth Street, Sydney NSW 2000  
GPO Box 25 SYDNEY 2001 | DX 19 SYDNEY | www.cso.nsw.gov.au  
Email: helen\_allison@agd.nsw.gov.au | Tel: **REDACTED** | Fax: (02) 9224 5122

----- Forwarded by Helen Allison/CSO/NSW\_AG on 11/10/2013 09:18 AM -----  
Helen Allison/CSO/NSW\_AG  
09/10/2013 11:10 AM

To  
courtofappealregistrar@courts.nsw.gov.au  
cc  
charissa.sun@wlsnsw.org.au  
Subject  
Re: State of New South Wales v Biles 2012/394728Link

Dear Registrar

Thank you for your email. The parties are agreeable to the matter being relisted within the date range available. March 7, 28 and April 1, 2, 11, 22-24 and 28-30 are suitable dates to both parties.

Regards

Helen Allison  
Senior Solicitor  
for Crown Solicitor

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courtofappealregistrar  
Sent by: Jerry Riznyczok/SCO/NSW\_AG  
08/10/2013 04:59 PM

Please respond to  
courtofappealregistrar@courts.nsw.gov.au

To  
Helen Allison/CSO/NSW\_AG@NSW\_AG  
cc  
charissa.sun@wlsnsw.org.au  
Subject  
Re: State of New South Wales v Biles 2012/394728Link

Dear Crown Solicitor,

The currently listing matters in March & April 2014. If the parties are able to take a hearing date in that range, the Court may be minded to deal with the matter in chambers.

Jerry Riznyczok  
Registrar, Court of Appeal  
Supreme Court of NSW  
184 Phillip Street, Sydney  
Fax: (02) 9230 8702

Helen Allison/CSO/NSW\_AG

08/10/2013 02:44 PM

To  
courtofappealregistrar@courts.nsw.gov.au  
cc  
charissa.sun@wlsnsw.org.au  
Subject  
State of New South Wales v Biles 2012/394728

Dear Registrar

I write to you with the consent of the solicitors for the respondent, the Women's Legal Services NSW.

I act on behalf of the applicant in relation to a leave application and appeal listed for hearing on 8 November 2013. The appeal is in respect of an interlocutory decision of Curtis DCJ delivered on 13 December 2012. The plaintiff in the court below (Ms Biles) commenced proceedings against the State of NSW in relation to alleged physical, mental, emotional and sexual assault taking place at Bethcar Children's Home over the period 1970 to 1988. She commenced proceedings in 2008. Ms Biles is one of 14 plaintiffs (instructing 2 solicitors) who is currently proceeding against the State of NSW in respect of similar allegations. Having regard to the extensive delay in finalising these matters and the costs involved the parties have agreed to participate in mediation and this has been arranged for 17 and 18 December 2013. The parties attempted to arrange mediation prior to the hearing date but were unable to find suitable dates. The parties, by consent, seek to vacate the hearing date in an attempt to resolve the matters at mediation.

To this end I have filed a Notice of Motion (attached) seeking orders that the hearing be vacated. This motion is returnable on Monday 14 October 2013.

As the parties are keen to save costs, and to fully explore ADR, could you please advise whether this matter can be dealt with in chambers?

Helen Allison  
Senior Solicitor  
for Crown Solicitor

NSW Crown Solicitor's Office | Level 5, 60-70 Elizabeth Street, Sydney NSW 2000  
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