

Form 44 (version 3)  
UCPR 36.1A

**CONSENT JUDGMENT / ORDER****COURT DETAILS**

Court District Court of New South Wales  
Division Common Law  
Registry Sydney  
Case number 2218/08

DISTRICT COURT OF NSW  
FILED  
AT SYDNEY

19 DEC 2013

**TITLE OF PROCEEDINGS**

First Plaintiff AIL  
Number of plaintiffs (if more than two) 2  
Defendant State of New South Wales

(Consolidated to 2008/30716)

**PREPARATION DETAILS**

Prepared for State of New South Wales, the defendant  
Legal Representative I V Knight, Crown Solicitor  
Legal Representative Reference PCN: 3321 200801481 T03  
Contact name and telephone Helen Allison REDACTED  
Contact email crownsol@agd.nsw.gov.au  
Frequent User ID AG4NSW

**TERMS OF JUDGMENT/ORDER MADE BY THE COURT BY CONSENT**

BY CONSENT and without admission of liability:

1. Verdict for the first plaintiff in the sum of \$ 107,142.85
2. Verdict for the second plaintiff in the sum of \$ 107,142.85
3. The defendant to pay the plaintiffs' costs of these proceedings in the sum of \$ 352,000.00
4. The defendant shall be at liberty to deduct and pay from the said sum any moneys payable or repayable by the plaintiffs to any person or body whether in respect of

Medicare Benefits or Nursing Home Benefits or otherwise concerning which any demand or notice has been or may be served on or given to the defendant and also any moneys paid or payable pursuant to the *Health and Other Services (Compensation) Act 1995* or the *Health and Other Services (Compensation) Care Charges Act 1995*.

5. The plaintiffs undertake and agree to pay out of the said sum any moneys payable or repayable by the plaintiffs to any person or body pursuant to the *Health and Other Services (Compensation) Act 1995* or otherwise which may not have been deducted by the defendant pursuant to paragraph <sup>4</sup> 2 hereof and also to pay to the parties entitled all outstanding medical, hospital, ambulance and other out of pocket expenses.
6. No interest shall be payable on the judgment herein if said be paid within 28 days after:
- (a) receipt of filed Consent Judgment/Orders; or
  - (b) within 28 days after the receipt of an Authority to Receive satisfactory to the defendant; or
  - (c) within 28 days after receipt by the defendant of a notice from the Managing Director of Medicare Australia under Section 24 or 25 of the *Health and Other Services (Compensation) Act 1995*; or
- whichever is the later.
7. No interest shall be payable on the costs of these proceedings as agreed or assessed referred to in paragraph <sup>3</sup> 1 above if the said costs are paid within 28 days of:
- a) the date on which the said costs have been agreed to by the parties; or
  - b) receipt by the defendant of a Certificate as to Determination of costs pursuant to s.368 ~~Legal Profession Act 2004~~ (NSW) following assessment of costs.
8. The plaintiffs acknowledge that in accordance with Section 22 of the *Health and Other Services (Compensation) Act 1995*, the plaintiffs has been informed of a possible liability to pay amounts under the said Act or under the *Health and Other Services (Compensation) Care Charges Act 1995*.

9. The plaintiffs acknowledge that the defendant has elected to exercise its right to make a 10% advance payment to Medicare Australia and to pay the balance of the judgment amount to the plaintiffs.

~~10. These Terms not to be disclosed other than as necessary:~~

- a) to fulfil the requirements of the *Health and Other Services (Compensation) Act 1995* and Centrelink and/or; HW
- b) for the defendant to seek to recover from any party person or body, in whole B  
~~or in part, amounts paid to the plaintiffs pursuant to these Terms.~~ J

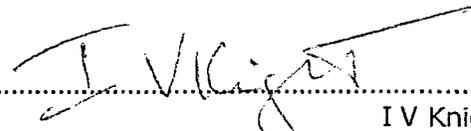
10. All prior costs orders in the proceedings. HW B  
are vacated. J

**SIGNATURE**

**Defendant**

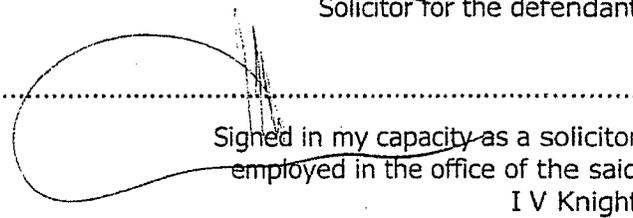
State of New South Wales, the defendant, consents

Signature of legal representative



I V Knight  
Solicitor for the defendant

Capacity 18/12/13



Signed in my capacity as a solicitor  
employed in the office of the said  
I V Knight

Date of signature

**First Plaintiff**

AL [redacted], the first plaintiff, consents

Signature of legal representative



Signature of or on behalf of party  
if not legally represented

Capacity

SOLICITOR FOR FIRST PLAINTIFF

Date of signature

18/12/2013

**Second Plaintiff**

Douglas Bruce Biles, the second plaintiff, consents

Signature of legal representative



Signature of or on behalf of party  
if not legally represented

Capacity

SOLICITOR FOR SECOND PLAINTIFF

Date of signature

18/12/2013

**SEAL AND SIGNATURE**

Court seal

Signature

Capacity

Date made or given

Date entered

  
James Howard  
Judicial Registrar



**NOTICE**

Subject to limited exceptions, no variation of a judgment or order can occur except on application made within 14 days after entry of the judgment or order.

**PARTY DETAILS**

**PLAINTIFFS' CLAIM**

**Plaintiffs**

AIL [REDACTED] first plaintiff

Douglas Bruce Biles, second plaintiff

**Defendant**

State of New South Wales