

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 3199/08 (*consolidated to 2008/316976*)

TITLE OF PROCEEDINGS

First Plaintiff **Kathleen Monica Biles**
 Number of plaintiffs (if more than two) 13, *now 12* on **19 DEC 2013**
 Defendant **State of New South Wales**



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 third plaintiff in the sum of \$ 107,142.85
3. Verdict for the fourth plaintiff in the sum of \$ 107,142.85
4. Verdict for the fifth plaintiff in the sum of \$ 107,142.85

5. Verdict for the sixth plaintiff in the sum of \$ 107,142.85
6. Verdict for the seventh plaintiff in the sum of \$ 107,142.85
7. Verdict for the eighth plaintiff in the sum of \$ 107,142.85
8. Verdict for the ninth plaintiff in the sum of \$ 107,142.85
9. Verdict for the tenth plaintiff in the sum of \$ 107,142.85
10. Verdict for the eleventh plaintiff in the sum of \$ 107,142.85
11. Verdict for the twelfth plaintiff in the sum of \$ 107,142.85
12. Verdict for the thirteenth plaintiff in the sum of \$ 107,142.85
13. The defendant to pay the plaintiffs' costs of these proceedings in the sum of \$ 892,000.00
14. 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*.
15. 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 ¹⁴ 2 hereof and also to pay to the parties entitled all outstanding medical, hospital, ambulance and other out of pocket expenses.

16. 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 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.

17. No interest shall be payable on the costs of these proceedings as agreed or assessed referred to in paragraph ¹³ 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.~~

18. 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*.

19. 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.

~~20. 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;~~
- ~~b) for the defendant to seek to recover from any party person or body, in whole or in part, amounts paid to the plaintiffs pursuant to these Terms.~~

20. All prior costs orders in these proceedings are vacated.

SIGNATURE

Defendant

State of New South Wales, the Defendant, consents

Signature of legal representative

I V Knight
.....
I V Knight
Solicitor for the Defendant

Capacity

[Signature]
.....
Signed in my capacity as a solicitor
employed in the office of the said
I V Knight

Date of signature: *18/12/13*

Plaintiffs

Third
ll The First Plaintiff and ~~Second~~ to Thirteenth Plaintiffs, consent

Signature of legal representative *J. Howard*

Date of signature: *18/12/13*

SEAL AND SIGNATURE

Court seal

Signature

Capacity

Date made or given

Date entered



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****Defendant**

Kathleen Monica, first plaintiff

State of New South Wales

AIE [REDACTED] third plaintiff

Jodie Belinda Moore, fourth plaintiff

AIG [REDACTED] fifth plaintiff

Amy Denise Villafior (aka Gibson), sixth plaintiff

AIH [REDACTED] seventh plaintiff

AIN [REDACTED] eighth plaintiff

Amelia Florence Moore, ninth plaintiff

Leonie Knight, tenth plaintiff

AIQ [REDACTED] eleventh plaintiff

AIS [REDACTED] twelfth plaintiff

AIF [REDACTED] thirteenth plaintiff