


Notice to Produce

 Luke Geary to: Ralph Doughty **REDACTED**

08/07/2013 12:30 PM

Follow Up: High Priority.

Dear Ralph,

Thank you for your letter of 5 July 2013, which I received today.

The Notice to Produce seeks the digital recording of the conversation relied upon by you in your evidence.

I do not require the original recording or the device on which you recorded it. I am content to receive a CD / DVD / USB of the recording, which I am content for you to post to me. Alternatively, as a much simpler course of resolving this issue, I would be content for you upload the digital recording to a secure internet link and to send the link to me by email.

I have indicated that I am prepared to cover your reasonable costs for compliance but that I do not consider the costs you have outlined in your correspondence to date to be reasonable. I do not propose for you to be present when I am listening to the recording, or to pay for your costs of personally delivering the recording in your capacity as a solicitor. To suggest that is necessary is both wasteful and unnecessary. If you continue to press for such costs, the Court can determine what is reasonable, based on the manner of your compliance and what is reasonable and necessary in the circumstances.

 I hereby give you notice that if you do not confirm compliance per one of the courses suggested by me above, by 3pm tomorrow, 9 July 2013, I will write to the Court and have the Notice to Produce returnable before the Registrar and I will seek orders in accordance with the principle set out in *Pyoja Pty Ltd v 284 Bronte Road Developments Pty Ltd and Ors* [2006] NSWSC 831. If that becomes necessary, I will also seek costs of having to appear and argue the point.

Finally, I note that your correspondence still refers to you as 'Dr', notwithstanding you not having a legal qualification to that title. I am concerned that this is misleading to the public in the absence of a PhD or some other qualification permitting use of that title. Please advise the basis on which you maintain that qualification.

Please advise whether you propose to produce the recording by 5pm tomorrow, or if I will need to re-list the matter.

 Best regards,
 Luke

Luke Geary

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