

IN THE SUPREME COURT OF VICTORIA AT MELBOURNE
COMMON LAW DIVISION
MAJOR TORTS LIST

No S CI 2010 2316

B E T W E E N:

NICOLA MAREE GOBBO

Plaintiff

AND

STATE OF VICTORIA
(and others according to the Schedule attached)

Defendants

AFFIDAVIT OF NICOLA MAREE GOBBO

Date of Document:
Filed on behalf of:

17 June 2010
The Plaintiff

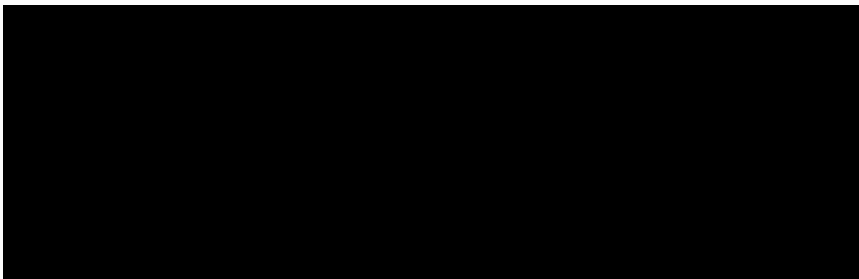
Prepared by:
PIPER ALDERMAN
Solicitors
Level 24
385 Bourke Street
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Solicitors' Code: 19741
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Ref: [REDACTED] 368227

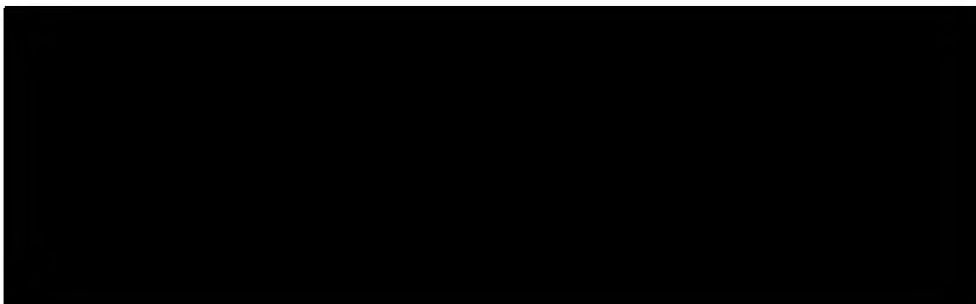
I, NICOLA MAREE GOBBO of an address known to Victoria Police, Barrister, **MAKE OATH AND SAY** as follows:

1. I am a Barrister and officer of this Honourable Court and a member of the Victorian Bar.
2. I make this Affidavit from my own knowledge save where otherwise stated. Where I swear to matters not from my own knowledge, I have stated the source of my information and believe that information to be true.
3. I make this Affidavit in support of an application for an expedited trial and more specifically, in response to correspondence which has been received from the Defendants' solicitors seeking a substantial extension of time in which to file defences. In this regard, I am informed by [REDACTED] a Partner of the firm Piper Alderman Lawyers (**Piper Alderman**) who act for me and believe that the following correspondence has been exchanged between Piper Alderman and the Defendants'



solicitors, the Victorian Government Solicitor's Office (**VSGO**) in relation to the Defendants' inability to file a defence within the time period prescribed by the rules of Court. This correspondence is exhibited as a bundle which is now produced and shown to me and marked "**NMG 1**", comprising:

- (a) Letter from the VGSO to Piper Alderman dated 1 June 2010;
 - (b) Letter from Piper Alderman to the VGSO dated 4 June 2010;
 - (c) Letter from the VGSO to Piper Alderman dated 7 June 2010; and
 - (d) Letter from Piper Alderman to the VSGO dated 8 June 2010.
4. In making this Affidavit I have intentionally avoided making reference to the names of my medical practitioners or locations at which I have received treatment and/or am continuing to receive treatment. I have deliberately omitted reference to such information as I remain in constant fear for my life and am extremely concerned that any reference to this type of information in a public document may increase the risk to my safety. My ongoing concerns for my safety, security and well being are detailed more fully in subsequent parts of my Affidavit.
5. On 29 April 2010, I commenced this proceeding. At the time of doing so, I had been diagnosed with the following medical conditions:
- (a) widespread multiplying pre-cancerous and cancerous [REDACTED] lesions requiring radical [REDACTED] surgery and ongoing post surgical review;
 - (b) [REDACTED] syndrome (including [REDACTED]
[REDACTED] which, at present, remains non-responsive to a daily prescribed medication regime including but not limited to [REDACTED]
[REDACTED]
[REDACTED]

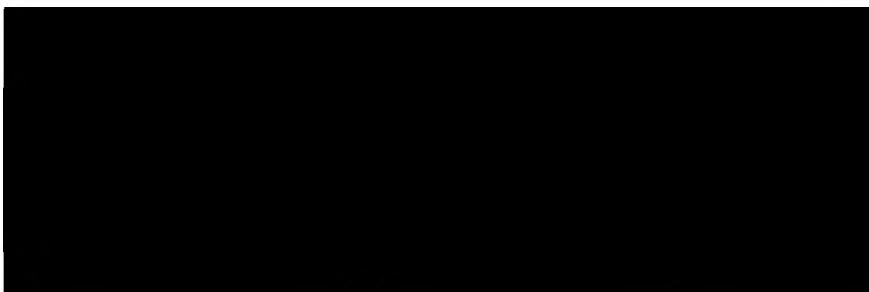


- (c) a number of recurring stress related dermal and epidermal breakdowns resulting in ulcerated cavities requiring surgical debridement, vacuum assisted closure therapy and daily home nursing care; and
- (d) a severe depressive disorder including chronic depression, anxiety, fear and sleep disturbance.

6. During [REDACTED] and [REDACTED] and in order to receive treatment for my medical conditions, I was hospitalised for the following periods:

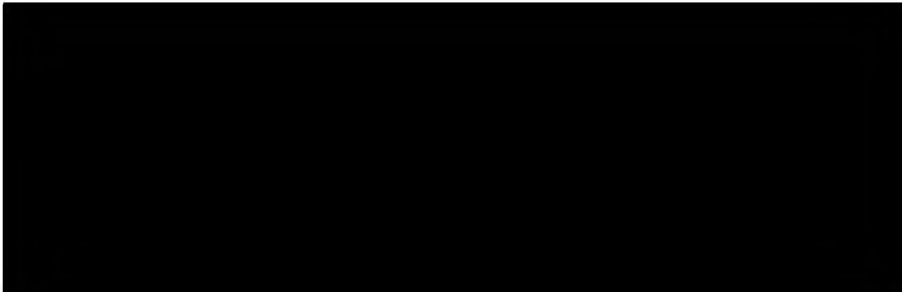
- (a) 16 June to 2 July [REDACTED] for treatment of my [REDACTED] syndrome which was made more stressful as I was directed to be admitted under a false name by Victoria Police;
- (b) 28 to 29 October [REDACTED] for surgery on an ulcerated cavity;
- (c) 2 December [REDACTED] to 4 January [REDACTED] for surgery on three further ulcerated cavities and treatment of a number of approximately 15 other ulcerated cavities;
- (d) 13 January [REDACTED] for surgery on a further ulcerated cavity;
- (e) 17 February [REDACTED] for surgery on two further ulcerated cavities;
- (f) 11 to 15 March [REDACTED] for radical [REDACTED] surgery to treat my cancerous and pre-cancerous [REDACTED] lesions;
- (g) 22 April [REDACTED] for surgery on a further ulcerated cavity; and
- (h) 15 June [REDACTED] for surgery on two further ulcerated cavities.

7. In addition, between February and May [REDACTED] was the recipient of home nursing care called "Hospital in the Home" which was required for the treatment of approximately five ulcerated cavities.



8. The Defendants were made aware of each of the aforementioned illnesses, the treatment requirements and of my hospitalisation at or around the time of the relevant diagnosis and/or hospitalisation by either me or my legal representatives.
9. My medical conditions and illnesses each require ongoing care and treatment. As at the date of swearing this Affidavit I am:
 - (a) receiving regular care from a team of mental health experts including a psychologist and two psychiatrists for my severe depression, extreme anxiety and fear, my non-responsive [REDACTED] and my ongoing dermal/epidermal breakdowns. In this regard, I have attended upon a psychologist for consultations of between 60 to 90 minutes on the following dates: 1 February 2010; 15 February 2010; 24 February 2010; 1 March 2010; 10 March 2010; 24 March 2010; 29 March 2010; 15 April 2010; 21 April 2010; 5 May 2010; 17 May 2010; 26 May 2010; 1 June 2010 and 7 June 2010. Additionally, I have attended upon one of my psychiatrists for consultations of between 60 to 90 minutes on the following dates: 29 April 2010; 13 May 2010 and 3 June 2010. Further, I have attended upon the other psychiatrist on five occasions for consultations of between 60 to 90 minutes on the following dates: 27 May 2010; 2 June 2010; 3 June 2010; 9 June 2010 and 10 June 2010. The treatment by both my psychiatrists and my psychologist is ongoing with a further weekly appointment scheduled on 23 June 2010 with my psychologist. My next scheduled appointment with one of my psychiatrists is 13 July 2010 then again on 20 July 2010 being the first available dates after that psychiatrist returns from leave. I am scheduled to see my other psychiatrist on 1 July 2010. I have been informed by my psychologist and both my psychiatrists and believe that a resolution of the outstanding issues between myself and the Defendants, including both this proceeding and the provision of proper and appropriate protection by Victoria Police as expeditiously as possible is necessary for me to establish a steady and positive approach to my recovery from [REDACTED] cancer treatment and stress related skin lesions;



- (b) receiving regular care from a multidisciplinary team at a major teaching hospital in relation to the continued recurrence of dermal/epidermal breakdowns to my groin and legs which breakdowns result in ulcerated cavities requiring surgery. I have attended appointments at this hospital on 23 March 2010, 8 April 2010 and 8 June 2010 for treatment, which treatment is continuing. I am scheduled to attend a further appointment at this hospital on 21 June 2010. I have been advised by the doctor in charge of the team treating me and I believe that it is his opinion that the ulcerated cavities and ongoing breakdown of my epidermal tissue is a reaction to continued exposure to severe stress, which requires neuro-dermatological management and treatment;
- (c) receiving ongoing care and treatment from my [REDACTED] specialist (whom I have been seeing since February 2008) in relation to my [REDACTED]. I have been informed by my [REDACTED] specialist and believe that my constant [REDACTED], depression, severe anxiety and poor health is being adversely affected by the uncertainty, fear and stress that remain ongoing as a consequence of my agreement to assist Victoria Police and the subsequent events which have transpired. I am further informed by my [REDACTED] specialist and believe that unless and until there is some resolution of this litigation, there is unlikely to be any substantive improvement in my [REDACTED] levels. I am scheduled to attend a further appointment with my [REDACTED] specialist on 22 June 2010;
- (d) receiving continued care from my oncologist. Since my surgery on 11 March [REDACTED] have attended on my oncologist on six occasions including two standard scheduled surgical reviews and four attendances that were necessitated due to complications arising from the surgery. I have been advised by my oncologist that the surgery performed on 11 March [REDACTED] was successful in relation to the excision of all the cancerous and pre-cancerous lesions in my [REDACTED]. I have been further advised by my oncologist that it is her opinion that the likelihood of these lesions recurring is far greater if I continue to be exposed to severe stress. I have a further surgical review and follow up appointment with my oncologist scheduled for 4 August [REDACTED] and
- 

- (e) currently an inpatient in hospital recovering from further surgery conducted on my leg and perineum on 15 June [REDACTED] to remove non-malignant necrotised tissue from two ulcerated cavities.
10. In addition, I am also receiving ongoing care from a neurologist and cardiologist in relation to a stroke I suffered in July 2004 and consequential heart surgery I was required to have in October 2004.
11. I have obtained two formal medical reports from certain of my current treating specialists together with a copy of a report provided by one of my specialists to another. A true copy of each report is now produced and shown to me in a bundle marked **Confidential Exhibit 1**. The reports provide confirmation of the matters concerning my health and medical conditions to which I have deposed in this Affidavit. I have instructed my advisers to seek an order from this Honourable court that:
- (a) the confidentiality of the Exhibits be maintained;
 - (b) the reports not be disclosed publically to any person and returned to me at the conclusion of this hearing; and
 - (c) should access to these reports be sought by the parties, such access be limited and be upon terms providing appropriate confidentiality protection, including written undertakings being given before they are released.
12. Confidential Exhibit 1 is not being served with this affidavit due to the following matters:
- (a) I have previously been informed by each of Deputy Commissioner Kieran Walshe, Superintendent Rod Wilson, Inspector Geoff Allway, Inspector Steve Smith, Detective Sergeant Shane O'Connell, Detective Sergeant Sol Solomon, Detective Leading Senior Constable Cameron Davey,^{Lloyd-DS}
^{Lloyd-DS} and ^{Graham Evans-O} that my personal safety is, and continues to be, at extreme risk of harm and my life is in danger. This has been confirmed in writing in the following correspondence received by me:



- (i) letter from Deputy Commissioner Kieran Walshe dated 26 August 2009;
 - (ii) letter from Deputy Commissioner Kieran Walshe dated 14 September 2009;
 - (iii) email from Superintendent Rod Wilson dated 5 November 2009;
 - (iv) letter from Defendants' solicitors, the VGSO to my solicitors, Piper Alderman dated 10 March 2010;
 - (v) letter from the VGSO to Piper Alderman dated 11 March 2010;
 - (vi) letter from the VGSO to Piper Alderman dated 1 April 2010; and
 - (vii) letter from the VGSO to the Acting Prothonotary, Supreme Court of Victoria dated 29 April 2010.
- (b) In addition, I have been repeatedly informed by Detective Sergeant Shane O'Connell that the risk assessment conducted by Victoria Police places me in the highest category of risk with the most significant level of danger to my life. ^{.Releva}
- Relevance
- (c) In or around April 2010, I was informed by a former client that a "contract" had been taken out on my life. Although I have reported this matter to Victoria Police, I am not aware of the status of the police investigations. I have limited access to information from Victoria Police due to a direction issued by Force Command on or around 5 May 2010 to the effect that no members of Victoria Police are to have any contact with me other than Inspector Steve Smith;
- (d) On 26 May 2010, the VGSO informed my solicitors Piper Alderman that despite the Director of Public Prosecution's decision to withdraw the criminal charges against Paul Dale (being the prosecution in respect of which I was to provide evidence), Victoria Police remained of the view that the risk to my safety as a result of having been a prosecution witness would remain high;
- (e) As a result of the advice that I have received from various senior members of Victoria Police, and more recently from their solicitors, the VGSO together with



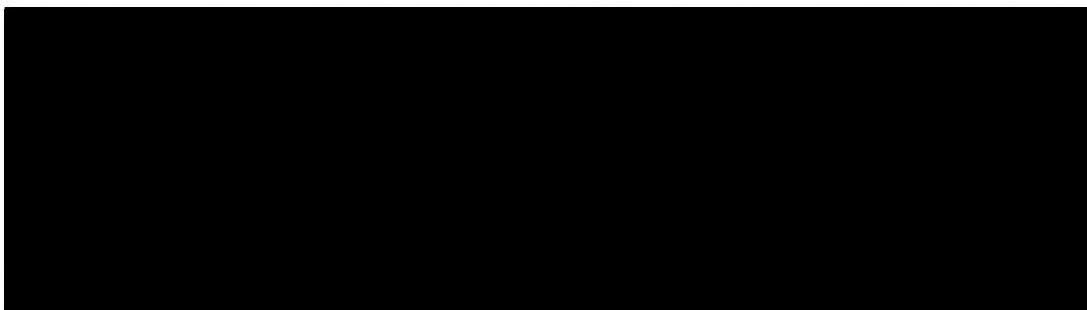
the threat referred to above, I remain deeply fearful for my safety, security and life as well as for members of my immediate family. I am presently residing at an address known to Victoria Police although I am without any form of police protection or assistance other than:

- (i) Victoria Police installing a number of security cameras in my residential complex which I understand transmit data although I do not know the destination of the transmission; and
- (ii) being directed to telephone "000" in an emergency;

(f) As a result of each of the matters referred to in paragraphs (a) to (e) above, there is an appropriate basis for access to the material contained in the Confidential Exhibit, including the names and addresses of my treating medical practitioners, to be limited and no proper reason for such information to be accessible to members of the media who may search the Court file or to the public generally.

(g) In addition, there have been a number of instances where the Defendants and/or their solicitors, the VGSO, have acted in a way to jeopardise my ongoing safety and security. These matters have been pleaded in my Statement of Claim at paragraphs 20(b)(xxiv), 20(b) (xv), 20(b)(xvi), 20(b)(xii), 20(b)(xxv), 34(c), the particulars joined in paragraphs (b) and (c) to paragraph 45(a), the particulars joined to paragraph 45(c) and paragraph 52(b)(v). In the circumstances, I have no confidence that if the Confidential Exhibits are provided to either the Defendants or their solicitors, the VGSO, they will be treated by them in a manner consistent with maintaining my safety. It is due to this fact that I am deeply concerned to avoid providing the Defendants and/or their solicitors with further access to my most intimate medical information and/or being provided with the name and/or address details of my each of my current treating medical practitioners.

13. As is set out in my Statement of Claim, on or around 10 March 2009 and at the request of the Defendants, I ceased practising as a member of the Victorian Bar and had my practising certificate and professional indemnity insurance suspended. Subsequently, on 14 March 2009, and at the direction of the Defendants, I terminated the lease on my chambers at Crockett Chambers in Melbourne. Since ceasing to work as a Barrister, I

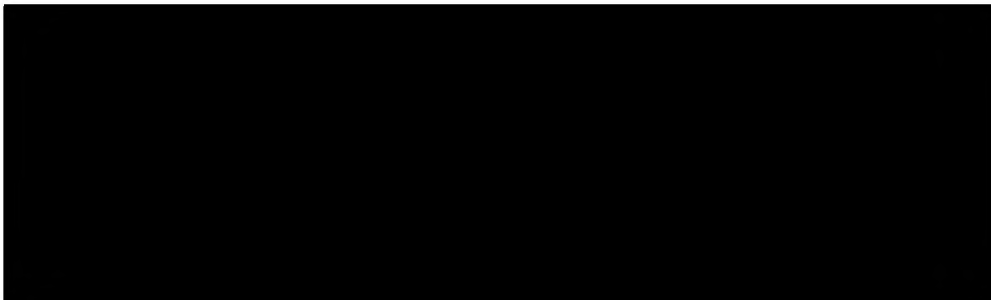


have been without any form of income from employment activities, save and except for a small number of fee slips which have been paid over the past 15 months for work completed prior to March 2009.

14. In addition, between March 2009 and 24 November 2009 [PII] [PII] Victoria Police provided me with a regular monetary payment of \$1,000 per week [PII] [PII] together with reimbursement of other miscellaneous items. My living arrangements during this time precluded me from obtaining employment. As is detailed in paragraph 29 of my Statement of Claim, on 20 November 2009, Victoria Police terminated my witness management and support. Notwithstanding this, Victoria Police have made a number of sporadic payments of \$1,000 to me since that time. I do not know the basis upon which those payments have been made despite making inquiries. Save and except for these sporadic payments, and the intermittent reimbursement of a monthly telephone account, no other payments have been made by Victoria Police to me since late 2009.

15. Other than receiving sporadic payments of \$1,000 from Victoria Police, I am currently reliant on a line of credit to support myself including paying a mortgage, a motor vehicle lease, legal fees and significant ongoing medical and pharmaceutical expenses. I have no current employment options and, given my medical circumstances, do not expect that this will improve significantly until such time as this proceeding is resolved.

16. I am concerned that if this proceeding is not expedited, or there is unnecessary delay, I will:
 - (a) be unable to work effectively towards restoring my health and moving on with my life;
 - (b) continue to suffer from non-responsive [PII];
 - (c) remain ill with recurring dermal/epidermal breakdowns including the consequential pain and severe scarring;
 - (d) require yet further surgery for recurring dermal/epidermal breakdowns. I am very concerned at the effect on my health already of having to have 8 general anaesthetics within [PII] months; and



- (e) continue to incur substantial financial expense in obtaining ongoing medical treatment, particularly in circumstances where I have been left without an income.

17. In addition, and without derogating from the above matters, I note that at present there are no other proceedings presently before the courts in relation to either Paul Dale or the murder of Terrence and Christine Hodson. From recent reports contained in the media, I understand that there may be a coronial inquest held in relation to the murder of the Hodsons but that such an inquest is unlikely to be held this year. Further, and again from recent reports contained in the media, I understand that Paul Dale remains a person of interest as far as Victoria Police are concerned in relation to the murders of the Hodsons.
18. It is, in my opinion, appropriate that this proceeding be heard and determined prior to there being any further proceedings instituted in relation to the murders of the Hodsons.
19. It is for these reasons that I humbly seek orders from this Court for an expedited hearing and an appropriate interlocutory timetable.

SWORN at MELBOURNE by the said
deponent **NICOLA MAREE GOBBO**
on the 17th day of June 2010

Before me

Piper Alderman
Level 24, 385 Bourke Street, Melbourne
An Australian legal practitioner within the
meaning of the Legal Profession Act 2004

IN THE SUPREME COURT OF VICTORIA AT MELBOURNE
COMMON LAW DIVISION
MAJOR TORTS LIST

No S CI 2010 2316

B E T W E E N:

NICOLA MAREE GOBBO

Plaintiff

AND

STATE OF VICTORIA
(and others according to the Schedule attached)

Defendants

CERTIFICATE OF EXHIBIT

Date of Document:
Filed on behalf of:

17 June 2010
The Plaintiff

Prepared by:
PIPER ALDERMAN
Solicitors
Level 24
385 Bourke Street
MELBOURNE, 3000

Solicitors' Code: 19741
Tel: (03) [REDACTED]
Fax: (03) [REDACTED]

Ref: [REDACTED] 368227

This is the exhibit marked with the letters "NMG-1" mentioned and referred to in the Affidavit of
NICOLA MAREE GOBBO sworn by her on the 17th day of June 2010.

Before me

[REDACTED]
Piper Alderman
Level 24, 385 Bourke Street, Melbourne
An Australian legal practitioner within the
meaning of the Legal Profession Act 2004

"NMG-1"

Bundle of Correspondence



VICTORIAN GOVERNMENT SOLICITOR'S OFFICE

Your reference: [REDACTED] 68227

Our reference: CCP 1081868

Contact details: David Ryan
[REDACTED] (direct line)
david.ryan@[REDACTED]

All Correspondence to
PO Box 4356
Melbourne 3001 Australia
DX 300077 Melbourne

1 June 2010

Messrs Piper Alderman
Solicitors
DX 30829 Collins Street
Melbourne
Attention: [REDACTED]

By email: [REDACTED]

Dear [REDACTED]

Gobbo v State of Victoria & Ors
Supreme Court Proceeding No. SCI 2010 2316

We refer to the above matter and the requirement that the defendants file and serve a defence by 9 June 2010 pursuant to the *Supreme Court (General Civil Procedure) Rules 2005*.

It will not be possible for the defendants to file and serve a defence by 9 June 2010. Additional time is required by the defendants to investigate and obtain detailed instructions in relation to the numerous allegations raised by the plaintiff in the Statement of Claim.

We therefore propose that, at the directions hearing on 18 June 2010, the parties seek orders that the defendants file and serve a defence by Monday, 2 August 2010.

We would be grateful if you could advise us by 8 June 2010, whether your client is agreeable to consenting to this extension of time.

Please contact me on 8684 0417 should you have any queries.

Yours faithfully
Victorian Government Solicitor's Office

David Ryan
Managing Principal Solicitor

Southern Cross: Level 25, 121 Exhibition Street Melbourne VIC 3000
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Our Ref: [REDACTED] 1227
 Your Ref:



4 June 2010

Private & Confidential

By Email: david.ryan@[REDACTED]

Victorian Government Solicitor
 DX 300077
 MELBOURNE

Attention: Mr David Ryan

Dear Mr Ryan

Witness F

We refer to your letter dated 1 June 2010 in which you have requested that our client consent to a two month extension of time for your clients to file their defence in this proceeding.

That request has been made on the basis that *"additional time is required by the defendants to investigate and obtain detailed instructions in relation to the numerous allegations raised ... in the Statement of Claim"*. No other information or explanation has been provided by your office in support of the request for an extension.

We are instructed to advise you that our client does not nor will she consent to your clients' request for a two month extension. We are further instructed to remind your clients of the following facts:

1. Your office was first engaged by Victoria Police in or around early 2009 in relation to a substantial number of the matters which are now the subject of our client's Statement of Claim (Claim);
2. Between March 2009 and May 2009 your Ms Parsons drew documents, presumably on instructions from Victoria Police, purporting to formally record the position set out in the document previously prepared by Detective Sergeant O'Connell (O'Connell) entitled "Witness Proposal".
3. Between March 2009 and May 2009, you and your Ms Parsons attended a number of meetings with our client's representative in relation to the documents your office had prepared. During the course of those meetings, many of the substantive matters which are now recorded in our client's Claim were canvassed.
4. On 12 June 2009 you, your Ms Parsons and Superintendent Allway attended a meeting with our client and her representative at which time our client's position, including many of the allegations which now form part of her Claim, were again discussed at length. That meeting was terminated by you and Ms Parsons for the stated reason that you were to

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 Level 24
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All correspondence to:
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 Melbourne Vic 3001

Telephone +61 [REDACTED]
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 DX 30829 Collins Street
 Melbourne

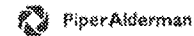
www.piperalderman.com.au

Melbourne • Sydney
 Brisbane • Adelaide

Partner:

[REDACTED]
 Email: [REDACTED]

To: Victorian Government Solicitor
 Date: 4 June 2010
 Our Ref: [REDACTED] 368227
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meet with Chief Commissioner Overland (Overland) later that day to discuss the matters arising from the meeting.

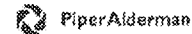
5. On around 13 July 2009, Inspector Rod Wilson (Wilson) and Mr Finn McRae (McRae) of your clients attended a meeting with our client with the express purpose of seeking to resolve the allegations raised by our client, which allegations are now detailed in her Claim.
6. On 7 September 2009, Overland was provided with a letter from our client which detailed the nature of our client's allegations which are now the subject of client's Claim.
7. On 14 September 2009, Deputy Commissioner Kieran Walshe (Walshe) responded to our client's letter to Overland. Presumably, Walshe had conducted some form of "investigation" and/or obtained "instructions" prior to responding to our client.
8. On 28 September 2009, Overland was provided with a further letter from our client again detailing the substance of the allegations which now form part of her Claim. Relevantly, that letter notified Overland of our client's intention to institute proceedings if matters were not resolved.
9. On 9 October 2009, Wilson and Inspector Steve Smith (Smith) met with our client and her representative. Wilson specifically advised our client and her representative that he was fully briefed in relation to our client's allegations and was in attendance at the meeting with Overland's full authority to resolve the dispute as then existed.
10. On 14 October 2009, our client's representative sent Inspector Wilson an email which, in part, again recorded the key aspects of our client's Claim.
11. On 20 November 2009, your clients were formally notified by our office of our client's intention to issue proceedings.
12. On 14 December 2009 your office sent us a letter which formally recorded that you were acting on behalf of Overland and which stated, in part, that:

"We are instructed that no agreement was made with your client by Shane O'Connell or Steve Smith on behalf of the Chief Commissioner. As noted in the letter from Deputy Commissioner Kieran Walshe to your client dated 14 September 2009, no agreement has been reached between your client and Victoria Police as to the terms on which ongoing protection and assistance, including financial assistance, are to be provided to your client..."

Presumably you had conducted some "investigations" and/or obtained "detailed instructions" in relation to our client's allegations in order to prepare that correspondence.

13. On 4 January 2010, your Ms Parsons and McRae of your client attended a meeting with the writer and our client's representative with a view to resolving the dispute. We expect that your office and clients had conducted some "investigations" and/or obtained "detailed instructions" in relation to our client's allegations prior to attending that meeting.
14. On 18 January 2010 our office sent you detailed correspondence recording a number of our client's allegations together with our client's increasing frustration at the continued delay and prevarication demonstrated by your client in resolving matters. Relevantly, that correspondence (like our client's earlier letters to Overland) put your clients on

To: Victorian Government Solicitor
 Date: 4 June 2010
 Our Ref: [REDACTED] 58227
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notice of the detrimental effect stress and anxiety, created by your clients' unsatisfactory dealings, was having on our client's health.

15. By letter dated 21 January 2010, Overland was again notified of the nature of our client's allegations and provided with a copy of the letters dated 7 September and 28 September 2009, together with the relevant correspondence which had been exchanged in the interim.
16. On 4 February 2010, O'Connell requested that he be provided with a number of documents to enable him to see if he could advance a resolution of our client's allegations within Force Command. Accordingly, on 4 February 2010, O'Connell was provided with a copy of the memorandum of agreement and schedule previously provided by our client's representative to Wilson in October 2009 together with 10 other documents relevant to our client's Claim.
17. On 19 February 2010, your office produced a further set of documents (presumably on instructions from Victoria Police) setting out your clients' position in relation to our client's allegations.
18. In response to the set of documents your office provided, on 26 February 2010, we sent your Ms Parsons further detailed correspondence which again recorded our client's allegations, which allegations now form part of her Claim. Relevantly, that correspondence also recorded the detrimental effect your clients' conduct in negotiations undertaken between December 2009 and February 2010 was having on our client's medical conditions.
19. In March 2010, O'Connell produced to the Melbourne Magistrates' Court a number of CDs containing covert recordings of O'Connell's various meetings with our client and her representative, which recordings we are instructed accurately reflect the matters set out in our client's Claim.
20. On 26 May 2010, and after being served with our client's Claim on 30 April 2010, your office simply re-put the 19 February 2010 set of documents which had been earlier rejected in their entirety. We can only conclude that these documents were re-put on the basis of instructions your office had received.

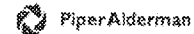
Given the above facts, it is wholly unacceptable for your office and/or clients to be suggesting that "*additional time*" is required to "*investigate and obtain detailed instructions in relation to the numerous allegations raised*".

Indeed, leaving aside the fact that your clients and office have had in excess of one year in which to investigate our client's claims and/or obtain detailed instructions, your clients and office have each indicated on several occasions throughout the course of 2009 and 2010 that you are "instructed" in relation to our client's allegations.

The fact is that your letter does not explain:

- (a) why, given the facts set out in paragraphs 1 to 20 above, further time is required to obtain instructions and/or conduct investigations;
- (b) why, given your firm's long involvement in the matter, and the resources available to your clients, they are not capable of acting more expeditiously and complying with timeframes imposed by the Rules; or

To: Victorian Government Solicitor
Date: 4 June 2010
Our Ref: [REDACTED] 68227
Page: 4



- (c) from whom further instructions are still being sought, why these instructions were not obtained previously and/or why two months is required to obtain them now.

Given your clients are seeking a substantial indulgence, we would have thought your letter would at least provide a proper explanation or basis for such a lengthy extension of time. You have chosen not to provide this information despite our letter to you dated 12 May 2010 where we put you on notice of our client's requirement that your clients' file and serve their defence by 9 June 2010.

As your office and your clients have been made repeatedly aware, our client is and remains most unwell with a variety of medical conditions which are each exacerbated by stress and uncertainty. In those circumstances, we find it most disturbing that your office and clients, whom are meant to conduct themselves as model litigants, would be proposing a delay of approximately two months to our client's proceeding. We need not inform you that such a delay will be counterproductive and harmful to our client's continuing efforts to restore her health.

Should your clients wish to persist with their request for an extension of time in which to file their defence, they will need to make an appropriate application to the Court. In the interim, we reserve the right to produce this correspondence on the question of costs.

Yours sincerely
Piper Alderman

Per: [REDACTED]

[REDACTED]
Partner

Copy to - isabel.parsons@ [REDACTED]



VICTORIAN GOVERNMENT SOLICITOR'S OFFICE

Your reference: [REDACTED] 368227

Our reference: CCP 1081868

Contact details: David Ryan
[REDACTED] (direct line)
david.ryan@[REDACTED]

All Correspondence to
PO Box 4356
Melbourne 3001 Australia
DX 300077 Melbourne

7 June 2010

Messrs Piper Alderman
Solicitors
DX 30829 Collins Street
Melbourne
Attention: [REDACTED]

By email: [REDACTED]@[REDACTED]

Dear [REDACTED]

Gobbo v State of Victoria & Ors Supreme Court Proceeding No. SCI 2010 2316

We refer to your correspondence dated 4 June 2010 regarding the defendants' request for an extension of time to file and serve their defence in the above proceeding.

In order to obtain detailed instructions in relation to your client's allegations in the Statement of Claim our clients are in the process of having numerous recorded conversations with your client (in excess of 215 hours) transcribed. Due to the sensitivity of the information contained in the recordings, the transcriptions must be undertaken by an appropriately secure process that is estimated to take approximately 6 weeks. After this process is completed, our office and Counsel will require sufficient time to review these transcripts in relation to your client's allegations.

Further, we are currently in the process of obtaining instructions from the police members named in the Statement of Claim, and are collating each of their relevant documents in relation to your client's allegations.

You will appreciate that given the volume and sensitivity of the material currently being collated that our clients will not be in a position to file considered defences by 9 June 2010. Accordingly, we requested from you an extension of time to Monday, 2 August 2009 to file and serve defences in this proceeding.

Should your client continue to reject our request for an extension of time to file defence, we propose bringing an application for an extension of time. That application can be conveniently heard and determined at the directions hearing which is fixed for 18 June 2010. We do not consider that the Court should be inconvenienced by an earlier application. In those circumstances, we request that you at least consent to an extension for the filing of our clients' defences until 18 June 2010 pending the hearing of our clients' application.

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As such, we would be grateful if you could indicate before **12 noon on 8 June 2010** whether you consent to this request.

Please contact me on [REDACTED] should you have any queries.

Yours faithfully
Victorian Government Solicitor's Office

per Stephen Lee

David Ryan
Managing Principal Solicitor

Our Ref: [REDACTED] 359227
 Your Ref:



8 June 2010

Private & Confidential

By Email: david.ryan@[REDACTED]

Victorian Government Solicitor
 DX 300077
 MELBOURNE

Attention: Mr David Ryan

Dear Mr Ryan

Gobbo v State of Victoria and Ors

We refer to your letter dated 7 June 2010. We are instructed to respond as follows:

1. You have advised that in order to file defences, it is necessary for you, your clients and Counsel to:
 - (a) transcribe in excess of 215 hours of recordings between our client and yours;
 - (b) review the transcripts of those recordings; and
 - (c) obtain instructions (including relevant documents) from the police members named in the Statement of Claim.
2. In your telephone discussion with the writer on 4 June 2010 you advised that the reason why the transcribing process would take approximately 6 weeks is that the recordings are to be transcribed "in house" by Victoria Police due to "sensitivity" issues.
3. With respect, the foregoing explanation is neither adequate nor acceptable, particularly in light of the matters raised in our letter to you dated 4 June 2010.
4. Our client does not accept that it is necessary for the recordings to be transcribed in order for a defence to be filed. The relevant police members should be in a position to provide instructions without reference to the recordings. Alternatively, they could listen to the recordings and provide instructions.
5. Similarly, our client does not accept that it is necessary for the recordings to be transcribed "in house", particularly if such a process is likely to take 6 weeks. There are a number of organisations that transcribe court proceedings which occur in camera and deal with highly confidential and/or sensitive material. Our client has no objection to the recordings being outsourced to any one of these organisations, subject to the usual confidentiality undertakings being put in place.
6. Your office and clients have been repeatedly informed that our client is and remains very unwell with a variety of medical conditions which are exacerbated by

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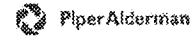
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Partner:

Direct Phone: [REDACTED]

To: Victorian Government Solicitor
Date: 8 June 2010
Our Ref: [REDACTED] 6227
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stress and uncertainty. Notwithstanding this, your office and clients (whom are bound by the model litigant guidelines) continue to approach the dispute with a contemptuous disregard for our client's health and wellbeing.

7. In the circumstances, we are instructed that our client requires that your clients file their defences without any further delay and, by no later than 18 June 2010, being the date of the first directions hearing.

Yours sincerely
Piper Alderman

Per: [REDACTED]

[REDACTED]
Partner

Copy to - [isabel.parsons@\[REDACTED\]](mailto:isabel.parsons@[REDACTED])