

order 16 rule 24 referred to in paragraph 57(6) of the Thompson Affidavit and exhibited as GAT-17 ) was:-

- i) copy of all relevant Notices to the effect of the Thirtieth Schedule and in particular those relevant to the plans considered by the Council on 20<sup>th</sup> February 1980.
- ii) Copy of inward correspondence referred to in Water Trust Minutes dated 7<sup>th</sup> May 1980

In response to these request the Council discovered 5 Notices to the effect of the Thirtieth Schedule. Four of these Notices were dated 4<sup>th</sup> March 1980, the three plans now exhibited to MED-12 and GAT-7 were attachments to three of these while the fourth dated 4<sup>th</sup> March 1980 had a plan showing all 18 allotments attached and a handwritten note saying "Note:- Plan Submitted in 5 sections 30<sup>th</sup> Schedules all identical to this." (refer paragraph 57(8)(b) of Thompson Affidavit and exhibit GAT-14) Instead of discovering the document exhibited at GAT-14 proper discovery required the Council to discover all 7 of the Notices to the effect of the Thirtieth Schedule relevant to the residential land together with copies of each of the 7 plans comprising the series of residential plans however the Council failed to do so. This item of discover was therefore also incomplete and misleading.

#### **PART B.**

14) The Further Affidavit of Mr. Edward asserts:-

- a) That Mr Edward attended at the plaintiffs' solicitors premises.
- b) That Mr. Edward inspected documents discovered by the Plaintiffs' in the 1995 Supreme Court proceeding.
- c) That Mr. Edward photocopied documents then produced. (by the plaintiffs')
- d) That my statement to the effect that Mr. Nevile had no knowledge of the case "cannot be true"

I deny each of (a) to (d) above..

15) In response I say:-

- a) In my attempts to learn of the true cause of my loss and damages, during the period 1984 until about 2000 I have accumulated thousands of documents. These documents have been accumulated from a large number of sources including government departments, the titles office, the Council, the Water Board, the State Library, discovery in proceedings and from Buchanan and by exchanging documents with solicitors involved in various aspects.
- b) In the Course of the 1995 proceeding I made affidavits of discovery which were limited to those documents which were relevant to the matters in question however I made it known that I had thousands of other documents which I considered irrelevant. In circumstances which I cannot now recall Mr. Edward obtained my permission to attend at my home to view and copy any document which he found to be relevant to the 1995 Supreme Court proceedings.



- c) Mr. Edward did not attend at my solicitors, he attended at my domestic premises and set up his photocopier in my kitchen area adjacent to my bedroom.
- d) Mr Edward did not inspect documents discovered or produced. He had free range of all documents in my possession whether discovered, discoverable, relevant or not and was free to copy any document which he wished to copy but was required as a matter of principle to limit that copying to documents related to the matters in question in the 1995 Supreme Court proceeding.
- e) Mr Edward appeared to me to wish to copy everything, relevant or not. Mr. Edward hired a high speed automatic feed copier and he spent two or three days copying documents and took a number of heavy boxes of documents with him when he left. Mr Edward appeared not to inspect any documents during this period as he had expressed a desire to return home and obtaining copies of all documents in my possession appeared to me to be the prime consideration at that time. The volume of documents copied precluded any meaningful inspection if at all.
- f) During this period Mr. Edward was often left alone in my domestic premises and had unfettered opportunity to look at anything he wished including my personal domain, property and documents.
- g) I believe that Mr. Edward copied numerous documents that both he and I are aware he was not entitled to copy including confidential communications between myself and my solicitors or between my legal representatives from time to time. I had no opportunity to object because as I was working I had to leave Mr. Edward alone in my premises and I did not have time to vet anything which he was doing. (One example of such privileged communication is now exhibited by Mr Edward at SME5.) Mr Edward States at paragraph 15 of the Further Edward affidavit that this letter was obtained from the plaintiffs during the course of his acting for the defendants however I believe the more correct circumstances to be that he copied documents to which he was not entitled, including this document, while he was at my premises.
- h) Insofar as Mr. Edwards claims or implies that he inspected and copied documents discovered and produced I deny that claim or implication. He appeared to copy everything without regard to its relevance or his entitlement to take copies.

16) I further say:-

- a) Mr. Neville did act for me during the period about 1983 to 1992 or 1993 and was familiar with the problems which I experienced and as understood at that time and was familiar with my knowledge and understanding of matters during that time.
- b) In 1993 I moved to Orange in New South Wales and Mr. Neville did no further work for me since that time.



- c) Mr. Neville took no part in and had no knowledge of the 1995 Supreme Court "case" proceedings. Mr. Neville did however act as Melbourne agent from time to time but solely for the purpose of service etc.
- d) Mr. Neville did attend at the mediation as my friend. At that time Mr. Neville explained to all people present including Mr. Edward. that he had no knowledge of the proceeding and was not there to advise me.
- e) Insofar as Mr. Edwards says or implies that Mr. Neville was familiar with the "case" proceeding I deny that statement or implication.

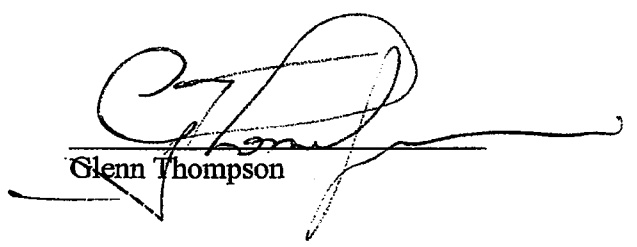
SWORN at Orange in the State of

New South Wales this 7<sup>th</sup> day  
of November 2005

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Glenn Thompson

Before me:

  
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SHARON ROBIN HILL  
Justice of the Peace  
Reg. No 106246