

- (g) Mr Thompson noticed that the black folder also contained copies of "the residential series of the Tylden Road plans of subdivision", that those plans had also been clipped and that Mr Thompson recognised such clipped plans as being identical to those admitted into evidence in the 1987 Magistrates Court proceeding and the related Supreme Court Appeal;⁵¹
- (h) it was a result of reviewing the documents in the black folder and reflecting upon the evidence given in previous proceedings that Mr Thompson reached certain conclusions which now form the basis of the allegations pleaded in the omitted paragraphs.⁵²

54. It is apparent from the Thompson summary judgment affidavit that the "critical document" from the black folder which led Mr Thompson to reach the conclusions which now *underpin* the allegations in the omitted paragraphs was the copy of the "complete version" of the plans for the industrial allotments. No other documents from the black folder are mentioned by Mr Thompson in his affidavit as assisting him in reaching the conclusions he did.

How does she reach this conclusion

55. The complete version of the plans for the industrial allotments is considered by Mr Thompson to be the "critical piece of the puzzle" which enabled Mr Thompson to comprehend fully the events which he now alleges took place twenty five years ago, in 1980.⁵³

56. It is apparent from a review of the relevant authorities on the issue of fraudulent concealment that the period between 14 June 1991 and August 2000 can not be viewed as being a "period of concealment" for the purposes of section 27(b) of the *Limitation of Actions Act*.

57. In *Hamilton v Kaljo*,⁵⁴ McLelland J considered what was meant by the expression "fraudulently concealed" for the purpose of section 55 of the *Limitation Act* 1969 (NSW)⁵⁵. After considering the English authorities on this issue, His Honour stated:

⁵⁰ See para 53(b) of the Thompson summary judgment affidavit, and exhibit "GAT-7" to that affidavit, being a bundle of the "complete" version of the plans.

⁵¹ See para 53(c) of the Thompson summary judgment affidavit.

⁵² See para 53 (c)-(h) of the Thompson affidavit.

⁵³ See para 53 of the Thompson summary judgment affidavit.

⁵⁴ (1989) 17 NSWLR 38.