

**IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMON LAW DIVISION**

Court Number: **6321 of 2005**

B E T W E E N :

**GLENN ALEXANDER THOMPSON
& CHERYL MAREE THOMPSON**

Plaintiffs

- and -

MACEDON RANGES SHIRE COUNCIL

First Defendant

- and -

THE COLIBAN REGION WATER AUTHORITY

Second Defendant

FOURTH AFFIDAVIT OF GLENN THOMPSON

Date of Document: 10 November 2005
Filed on behalf of: The Plaintiffs
Prepared by:
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I, GLENN ALEXANDER THOMPSON of 68 Summer Street, Orange in the State of New South Wales make oath and say:-

1. I am the First Plaintiff in these proceedings and crave leave to refer to paragraph 26 of my First Affidavit sworn 18th October 2005. In that paragraph I refer to the fact that at the time of signing the Terms of Settlement, Counsel for the Council and Water Board handed me a large black folder containing copies of various documents.
2. In light of the submissions made on behalf of the First Defendant it is important to explain the circumstances under which the black folder was handed to me.
3. Outside the Court door after settlement had been agreed Counsel for the Council and Water Board and my barrister Francis Tiernan sat down on a bench to hand write a draft of the Terms of Settlement. I was standing close by and as the Counsel for the Council and Water Board sat on the bench he handed me a black folder which he had been carrying and said to me words to the effect: *"Hold this for me"*.
4. The two barristers proceeded to draft Terms of Settlement and I stood nearby while they did so still holding the black folder and other documents which I had taken to

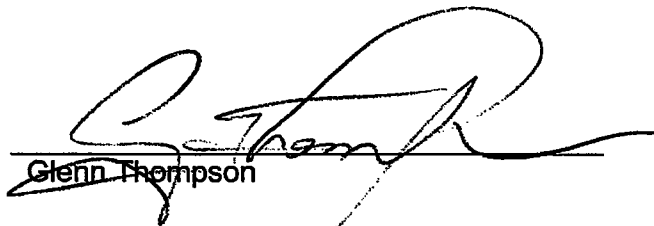


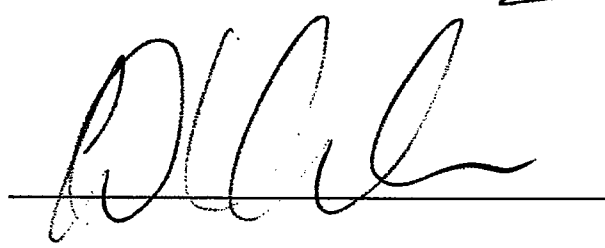
Court on the day. When the barristers had completed writing the Terms of Settlement they both signed them. I cannot recall whether I also signed them.

5. Both barristers then left the Court leaving me outside the Court holding a bundle of documents which included the black folder. The proceedings were concluded. I left the Court with the documents I had been holding including the black folder, not realising until I got back to my car that I still had it in my possession.

SWORN by the Deponent at
MELBOURNE in the State of Victoria on
this 10th day of November 2005

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Glenn Thompson

before me: 

DANIEL ISAKOW

ISAKOW LAWYERS
LEVEL 2, 200 QUEEN STREET
MELBOURNE VIC 3000

A current practitioner within the meaning
of the Legal Practice Act 1996

Filed on behalf of the Plaintiffs