

NOTICE OF MOTION

COURT DETAILS

Court	Supreme Court of New South Wales
Division	Common Law
List	General
Registry	Sydney
Case number	16/45027

TITLE OF PROCEEDINGS

Plaintiff **Clayton William Searle**

Defendant **Commonwealth of Australia**

FILING DETAILS

Person seeking orders	Clayton William Searle, defendant
Filed in relation to	Plaintiff's claim
Legal representative	Stewart Alan Levitt, Levitt Robinson Solicitors
Legal representative reference	SAL:BRI: 140673
Contact name and telephone	Brett Imlay, 08 9286 3133
Contact email	bimlay@levittrobinson.com

PERSON AFFECTED BY ORDERS SOUGHT

The Defendant

HEARING DETAILS

This motion is listed at 9.30 a.m on 15 December 2021.

[on separate page]

ORDERS SOUGHT

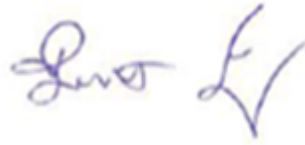
- 1 Pursuant to section 192A of the Evidence Act 1995 (NSW), the Court rules that the following evidence proposed to be adduced by the Defendant in the hearing of the claims of the Sample Group Members is not admissible:
 - a. Paragraphs [11]-[27] and [33]-[34] of the affidavit of Justine Windsor sworn 25 September 2017; and
 - b. Paragraphs [30]-[31], [36]-[41], [45]-[46] of the affidavit of Tyrone Palmer sworn in February 2018.
- 2 The Defendant pay the Plaintiff's and Sample Group Members' costs of, and incidental to, this motion.
- 3 Such further or other orders as the Court may deem fit.

For the purposes of this Notice of Motion "Sample Group Members" means:

- c. Patrick Burnett.
- d. Beau Denton
- e. Benjamin Sparks
- f. Stephen Trappett.
- g. Michael Quinn.
- h. Mostynn Williams.
- i. Elliot Gregory.
- j. Jordan Widz; and
- k. Jared Wajwoda

SIGNATURE

Signature of legal representative

A handwritten signature in blue ink, appearing to read 'Stewart Alan Levitt', with a checkmark-like flourish at the end.

Capacity

Stewart Alan Levitt

By his Special Counsel, Brett Imlay

Date of signature

12 November 2021

NOTICE TO PERSON AFFECTED BY ORDERS SOUGHT

If you do not attend, the court may hear the motion and make orders, including orders for costs, in your absence.

REGISTRY ADDRESS

Law Courts Building

184 Phillip St

Sydney NSW 2000