

Saunders, Marlia

From: Paul Svilans <Paul.Svilans@markobrienlegal.com.au>
Sent: Thursday, 8 June 2023 8:18 PM
To: Saunders, Marlia
Cc: CausleyTodd, Amelia; Kia Daley; Phillip Beattie; Alessandra Steele; Anthony Jefferies; David Collinge; Nicola Sanchez; Monica Allen; O'Beirne, Conor
Subject: Re: Bruce Lehrmann v Network Ten Pty Limited ACN 052 515 250 & Anor (NSD103/2023); Bruce Lehrmann v The Australian Broadcasting Corporation (NSD316/2023) [ABC-Legal.FID92109] [TGLAW-Legal.FID3782978]

Dear Ms Saunders

We refer to your email to us below in which you allege as follows:

The obvious inference is that the documents the subject of Harman undertakings were provided by, or with the knowledge or complicity of, Mr Lehrmann.

Your allegation is a serious allegation, and we are unaware as to any basis for you to make the allegation.

In the circumstances, we place you on notice that our client will rely upon your making of the allegation in support of his claim for aggravated damages in the proceedings as against your client.

Regards

Paul Svilans - Principal Mark O'Brien Legal
0410 687 900
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On 8 Jun 2023, at 7:02 pm, Saunders, Marlia <msaunders@tglaw.com.au> wrote:

Dear Mr Svilans

Mr Lehrmann chose to give an extended interview to the 7NEWS Spotlight program that aired on Sunday evening, apparently contrary to advice he had received from your firm.

In the course of the Spotlight program, a number of materials were referred to that appear to have been provided to the Seven Network in breach of Harman implied undertakings. The ACT DPP has confirmed as much: see my affidavit, CB504.

Other media organisations have also published the contents of documents that appear to have come into their possession as a consequence of breaches of Harman undertakings. Again, the ACT DPP shares that view.

The raft of media reports this week appears to have been orchestrated by Mr Lehrmann or on his behalf, apparently contrary to legal advice. As I depose in my affidavit, Mr Lehrmann said on Spotlight that he has "nothing to lose", that we should "beware" the man who has nothing to lose, and that there was "more to come".

The obvious inference is that the documents the subject of Harman undertakings were provided by, or with the knowledge or complicity of, Mr Lehrmann.

While enforcement of the implied undertaking is a matter for the ACT Supreme Court, which we are pursuing separately, the Federal Court is entitled to protect the integrity of its processes.

The apparent purpose of your client's current campaign is to cement a public narrative in the lead-up to the trial of this proceeding. That narrative has the inherent capacity to prejudice the fair trial of this proceeding, including by discouraging witnesses from giving evidence, lest they find themselves targeted in this campaign.

If your client has nothing to do with the relevant materials coming into the possession of the media organisations who have published their contents in recent days, he should have no difficulty in saying so on his oath in answer to the proposed interrogatories. If he has, then that is a very serious matter going to a potential abuse of the process of the Federal Court.

We are instructed to seek an order for leave to administer the proposed interrogatories at the hearing tomorrow morning.

Kind regards

Marlia Saunders | Partner

Thomson Geer

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Level 14, 60 Martin Place, Sydney NSW 2000 Australia

msaunders@tglaw.com.au | tglaw.com.au

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From: Paul Svilans <Paul.Svilans@markobrienlegal.com.au>

Sent: Thursday, 8 June 2023 6:23 PM

To: CausleyTodd, Amelia <acausleytodd@tglaw.com.au>; Kia Daley <Daley.Kia@abc.net.au>; Phillip Beattie <Beattie.Phillip@abc.net.au>; Alessandra Steele <Steele.Alessandra@abc.net.au>; Anthony Jefferies <ajj@gdlaw.com.au>; David Collinge <dec@gdlaw.com.au>; Nicola Sanchez <nrs@gdlaw.com.au>; Monica Allen <Monica.Allen@markobrienlegal.com.au>

Cc: Saunders, Marlia <msaunders@tglaw.com.au>; O'Beirne, Conor <cobeirne@tglaw.com.au>

Subject: RE: Bruce Lehrmann v Network Ten Pty Limited ACN 052 515 250 & Anor (NSD103/2023); Bruce Lehrmann v The Australian Broadcasting Corporation (NSD316/2023) [ABC-Legal.FID92109] [TGLAW-Legal.FID3782978]

Dear Ms Causley Todd

We refer to your email to us below.

We are concerned that you have chosen to send the affidavit of Ms Saunders to us at about 6pm this evening, together with the draft interrogatories.

In the circumstances, we advise that we only consent to you providing the court book to his Honour's Associate on the following basis:

1. That you include in the email to the Associate the following wording:

"We advise that the Respondents' proposed interrogatories and the affidavit of Marlia Ruth Saunders contained within the court book were provided to the solicitors for the Applicant at about 6pm this evening";

2. That you advise us, with particularity, by 7pm this evening what issue in these proceedings the Respondents' proposed interrogatories go to.

Regards

Paul Svilans

Principal | Mark O'Brien Legal

<image001.png>

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From: CausleyTodd, Amelia <acausleytodd@tglaw.com.au>

Sent: Thursday, June 8, 2023 5:57 PM

To: Kia Daley <Daley.Kia@abc.net.au>; Phillip Beattie <Beattie.Phillip@abc.net.au>; Alessandra Steele <Steele.Alessandra@abc.net.au>; Anthony Jefferies <ajj@gdlaw.com.au>; David Collinge <dec@gdlaw.com.au>; Nicola Sanchez <nrs@gdlaw.com.au>; Monica Allen <Monica.Allen@markobrienlegal.com.au>; Paul Svilans <Paul.Svilans@markobrienlegal.com.au>

Cc: Saunders, Marlia <msaunders@tglaw.com.au>; O'Beirne, Conor <cobeirne@tglaw.com.au>

Subject: RE: Bruce Lehrmann v Network Ten Pty Limited ACN 052 515 250 & Anor (NSD103/2023); Bruce Lehrmann v The Australian Broadcasting Corporation (NSD316/2023) [ABC-Legal.FID92109] [TGLAW-Legal.FID3782978]

Dear Colleagues

We **attach** a copy of the electronic court book prepared for his Honour.

We draw your attention to the Respondents' proposed interrogatories and the affidavit of Marlia Ruth Saunders, affirmed 8 June 2023, that the Respondents in Proceedings No. NSD103/2023 intend to rely upon at tomorrow's case management hearing.

Can you please urgently confirm that you are content for the electronic court book to be provided to his Honour's Associate under cover of the following email:

Dear Associate

With apologies for the delay, please see **attached** the parties' joint electronic court book.

Kind regards

Kind regards

Amelia CausleyTodd | Associate

Thomson Geer

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Level 14, 60 Martin Place, Sydney NSW 2000 Australia

acausleytodd@tglaw.com.au | tglaw.com.au

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From: Kia Daley <Daley.Kia@abc.net.au>

Sent: Thursday, 8 June 2023 12:45 PM

To: CausleyTodd, Amelia <acausleytodd@tglaw.com.au>; Phillip Beattie <Beattie.Phillip@abc.net.au>; Alessandra Steele <Steele.Alessandra@abc.net.au>; Anthony Jefferies <ajj@gdlaw.com.au>; David Collinge <dec@gdlaw.com.au>; Nicola Sanchez <nrs@gdlaw.com.au>; Monica.Allen@markobrienlegal.com.au; Paul.Svilans@markobrienlegal.com.au

Cc: Saunders, Marlia <msaunders@tglaw.com.au>; O'Beirne, Conor <cobeirne@tglaw.com.au>

Subject: RE: Bruce Lehrmann v Network Ten Pty Limited ACN 052 515 250 & Anor (NSD103/2023);

Dear Amelia

Thank you for your offer below to prepare the joint court book. We apologise for the delay.

For the ABC's part, we request that the following documents be included in the Court Book in a relevant separate section for the *Lehrmann v ABC* proceedings:

1. Statement of Claim filed 5 April 2023
2. Defence filed 18 May 2023
3. Reply filed 2 June 2023
4. Letter from ABC Legal to MOBL dated 15 May 2023
5. Letter from MOBL to ABC Legal dated 2 June 2023
6. Letter from ABC Legal to MOBL dated 2 June 2023
7. Letter from MOBL to ABC Legal dated 7 June 2023
8. Letter from ABC Legal to MOBL dated 8 June 2023

Copies of the documents are **attached**.

Kind regards,

Kia Daley
Senior Lawyer, Disputes & Litigation
<image003.jpg>
P **02 8333 5836**
E daley.kia@abc.net.au
A **700 Harris Street Ultimo NSW 2007**

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From: CausleyTodd, Amelia <acausleytodd@tglaw.com.au>
Sent: Wednesday, June 7, 2023 3:44 PM
To: Phillip Beattie <Beattie.Phillip@abc.net.au>; Alessandra Steele <Steele.Alessandra@abc.net.au>;
Kia Daley <Daley.Kia@abc.net.au>; Anthony Jefferies <ajj@gdlaw.com.au>; David Collinge
<dec@gdlaw.com.au>; Nicola Sanchez <nrs@gdlaw.com.au>;
Monica.Allen@markobrienlegal.com.au; Paul.Svilans@markobrienlegal.com.au
Cc: Marlia Saunders - External <msaunders@tglaw.com.au>; O'Beirne, Conor
<cobeirne@tglaw.com.au>
Subject: RE: Bruce Lehrmann v Network Ten Pty Limited ACN 052 515 250 & Anor (NSD103/2023);
Bruce Lehrmann v The Australian Broadcasting Corporation (NSD316/2023) [[TGLAW-Legal.FID3782978]

Dear Colleagues

We are content to prepare the electronic court book internally in accordance with his Honour's instructions.

Could the parties please provide any further documents to be included in the court book by **10am 8 June 2023**.

We will circulate a copy of the electronic court book prior to providing it to his Honour's Associate.

Kind regards

Amelia CausleyTodd | Associate
Thomson Geer

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Advice | Transactions | Disputes

From: Paul Svilans <Paul.Svilans@markobrienlegal.com.au>

Sent: Wednesday, 7 June 2023 2:46 PM

To: Phillip Beattie <Beattie.Phillip@abc.net.au>; Alessandra Steele <Steele.Alessandra@abc.net.au>;
Kia Daley <Daley.Kia@abc.net.au>; O'Beirne, Conor <cobeirne@tqlaw.com.au>; Saunders, Marlia
<mrsaunders@tqlaw.com.au>; ajj@gdlaw.com.au; dec@gdlaw.com.au; Nicola Sanchez
<nrs@gdlaw.com.au>

Cc: Monica Allen <Monica.Allen@markobrienlegal.com.au>

Subject: RE: Bruce Lehrmann v Network Ten Pty Limited ACN 052 515 250 & Anor (NSD103/2023);
Bruce Lehrmann v The Australian Broadcasting Corporation (NSD316/2023) [

Dear Colleagues

We refer to the email from the Associate to Lee J below.

In relation to the request that the parties provide a joint electronic court book containing materials upon which the parties intend to rely, from the applicant's perspective, he only wishes the documents as itemised in the draft index attached to be included in the court book (copies of the documents are also attached).

We advise we are prepared to retain Law in Order to prepare the joint court book on the following basis:

1. That by 5pm today you provide to us copies of your clients' respective documents that you may wish to be included in the court book, and that you respectively update and return the draft index by the same time;
2. That you agree to pay for the costs of Law in Order equally by reference to the number of parties involved in the exercise.

In the event that you do not provide the documents and index to us by 5pm today, we request that you prepare the court book and include in it our client's documents as attached, in which case we agree to proportionally pay the costs of a third party provider, such as Law in Order, to prepare the Court Book on the basis as indicated in paragraph b) above.

Regards

Paul Svilans
Principal | Mark O'Brien Legal

<image001.png>

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From: Associate LeeJ <Associate.LeeJ@fedcourt.gov.au>
Sent: Wednesday, June 7, 2023 12:26 PM
To: Phillip Beattie <Beattie.Phillip@abc.net.au>; Paul Svilans <Paul.Svilans@markobrienlegal.com.au>; Monica Allen <Monica.Allen@markobrienlegal.com.au>; Alessandra Steele <Steele.Alessandra@abc.net.au>; Kia Daley <Daley.Kia@abc.net.au>; O'Beirne, Conor <cobeirne@tglaw.com.au>; Saunders, Marlia <msaunders@tglaw.com.au>; ajj@gdlaw.com.au; dec@gdlaw.com.au; Nicola Sanchez <nrs@gdlaw.com.au>
Subject: Bruce Lehrmann v Network Ten Pty Limited ACN 052 515 250 & Anor (NSD103/2023); Bruce Lehrmann v The Australian Broadcasting Corporation (NSD316/2023) [SEC=OFFICIAL]

OFFICIAL

Dear Practitioners

I refer to the above-mentioned matters. I confirm that the case management hearing listed to commence **at 9.30am on Friday, 9 June 2023** will proceed **in person in Sydney**.

Could the parties please provide the names of counsel who will appear at the hearing.

Further, his Honour has requested that the parties provide a joint electronic court book containing materials upon which the parties intend to rely (including pleadings and any other relevant court documents), with such court book to be prepared in accordance with Format 2 of the eBooks Practice Note (GPN-eBOOKS). His Honour would be grateful to receive a copy of the joint court book **by 5pm on Thursday, 8 June 2023**.

Yours faithfully

Aoife Hogan | Associate to the Hon. Justice M B J Lee
Federal Court of Australia | Law Courts Building, Queens Square, Sydney NSW 2000
t: +61 2 8099 8371 | **e:** Associate.LeeJ@fedcourt.gov.au

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