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Our ref: BBL:MA:1326

25 April 2025

Ms Rebekah Giles
Principal
Giles / George
Level 7, 135 King Street
SYDNEY NSW 2000

By email: rebekah.giles@gilesgeorge.com.au

Dear Ms Giles

**Ben Roberts-Smith VC MG v Fairfax Media Publications Pty Ltd & Ors
Federal Court of Australia Proceedings No. NSD 689, 690 and 691 of 2023**

We refer to the above proceedings in which we act for the Appellant.

An Interlocutory Application filed by our client is listed for hearing before the Full Court on 1 and 2 May 2025. A copy of our client's Interlocutory Application is **enclosed** for your reference.

Our client's application arose following the emergence of an audio recording of a conversation between the Second Respondent, Nick McKenzie, and your client, Person 17, in which Mr McKenzie states, amongst other things, that Emma Roberts and Danielle Scott were *"actively like briefing us on his [i.e. the Appellant's] legal strategy"*.

On 14 April 2025, the Respondents filed an affidavit of Mr McKenzie in which he deposes to, amongst other things, his explanation of the words used by him in the audio recording and the context in which the conversation occurred. **Enclosed** for your reference is a copy of the affidavit.

We would be grateful if you could seek instructions as to whether your client may be prepared to speak with us in relation to the matters deposed to by Mr McKenzie.

Yours sincerely
BlackBay Lawyers

A handwritten signature in black ink, appearing to read "Monica Allen".

Monica Allen
Special Counsel
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