

FEDERAL COURT OF AUSTRALIA

NSD 1485, 1486, 1487 of 2018 Date: 1 March 2022  
Roberts-Smith v Fairfax Media Publications Pty Limited & Ors

Exhibit No: A91 MFI No: \_\_\_\_\_  
Assoc: Flyn Wells

Our ref: MLB:KSC:115137  
Your ref: MOBL283

**BENNETT+CO**  
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30 April 2021

Mr Paul Svilans  
Mark O'Brien Legal  
Level 19, 68 Street  
SYDNEY NSW 2000  
By email: paul.svilans@markobrienlegal.com.au

Dear Mr Svilans

**Ben Roberts-Smith VC MG v Fairfax Media Publications Pty Ltd & Ors Federal Court of Australia  
Proceedings NSD1485/2018 – Subpoena issued to Person 4 & Outline of Evidence**

We write in response to your letter dated 23 April 2021 regarding the subpoena issued at the request of your client to Person 4 (**Subpoena**) and the outline of evidence filed in the proceedings purportedly setting out the anticipated evidence Person 4 may give at trial.

Your letter is the first occasion on which we have become aware that an outline of evidence has been filed with respect to our client. As such, we confirm that any outline has been prepared and finalised without consultation with our client, who has not met with or spoken to the solicitors for the respondents, nor provided them with any documents.

So that we may be in a position to consider and respond to your client's claims as to the legitimate forensic purpose of the paragraphs of the Subpoena, please provide us with a copy of the outline. We will also request a copy from the solicitors for the respondents.

We will respond to the balance of the matters raised in your letter separately. In the interim, my client's rights are expressly reserved.

Please contact me or Ms Comley if you would like to discuss this further.

Yours sincerely

PP 

Martin Bennett  
Principal



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