NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 19/07/2021 12:31:56 PM AEST and has been accepted for filing under the Court's Rules. Details of filing follow and important additional information about these are set out below.

Details of Filing

Document Lodged: Affidavit - Form 59 - Rule 29.02(1)

File Number: NSD1485/2018

File Title: BEN ROBERTS-SMITH v FAIRFAX MEDIA PUBLICATIONS PTY LTD

(ACN 003 357 720) & ORS

Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF

AUSTRALIA



Sia Lagos

Dated: 19/07/2021 12:33:30 PM AEST

Registrar

Important Information

As required by the Court's Rules, this Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date and time of lodgment also shown above are the date and time that the document was received by the Court. Under the Court's Rules the date of filing of the document is the day it was lodged (if that is a business day for the Registry which accepts it and the document was received by 4.30 pm local time at that Registry) or otherwise the next working day for that Registry.

Affidavit of Peter Llewellyn Bartlett



No. NSD1485/2018 NSD1487/2018 NSD1486/2018

Federal Court of Australia

District Registry: New South Wales

Division: General

Ben Roberts-Smith

Applicant

Fairfax Media Publications Pty Limited and others

Respondents

Affidavit of: Peter Llewellyn Bartlett

Address: 447 Collins St, Melbourne VIC 3000

Occupation: Solicitor

Date: 22 April 2021

- I, Peter Llewellyn Bartlett, Solicitor, of 447 Collins Street Melbourne, in the State of Victoria, solemnly and sincerely affirm:
- I am a partner of MinterEllison and am the lawyer for the Respondents in these proceedings. I am authorised to affirm this affidavit on behalf of the Respondents.
- Nothing in this affidavit or its annexures is intended to waive any client legal or legal
 professional privilege. To the extent that any part of this affidavit may be construed as a
 waiver of privilege, I withdraw and do not rely on that part of the affidavit.
- I make this affidavit in support of an application for leave to file and serve outlines of evidence for Emma Roberts and Danielle Scott.
- I have previously sworn two affidavits in relation to this application: one on 15 March 2021 (my first affidavit) and one on 6 April 2021 (my second affidavit).

Peter Bartlett...........

ME 183078226 1

DYLAN DEXTER

of 447 Collins Street, Melboume An Australian Legal Practitioner within the meaning of the Legal

Profession Uniform Law (Victoria)

Emma Roberts and Danielle Scott

- 5. At the time I swore my first affidavit I was aware that it was possible that Ms Scott and Ms Roberts may be in a position to give evidence in relation to topics beyond that referred to in my first affidavit, however I considered that I did not have sufficient information in relation to the nature or content of that potential evidence to form a view about whether the Respondents could or should seek to adduce evidence in relation to topics beyond those referred to in my first affidavit. Given my opinion about the lack of information I had about the other evidence that Ms Scott and Ms Roberts may be able to give, I had not at that time even sought counsel's advice in relation to whether further evidence from Ms Scott and Ms Roberts could or should be adduced. At that time, no decision had been made that the Respondents would seek to adduce evidence in relation to any topic beyond that identified in my first affidavit.
- 6. On 18 March 2021 I received a letter from Mark O'Brien Legal, a copy of which is annexed hereto and marked **PLB-4.**
- 7. On 1 April 2021 the Applicant served his submissions in relation to the Respondents' Interlocutory Application dated 15 March 2021. Paragraph 2 of those submissions stated:

The Applicant opposes the orders sought except those concerning the issuing of subpoenas to Emma Roberts-Smith and Danielle Scott-Flanders on the proviso that Outlines of Evidence are served by the Respondents for those witnesses.

- 8. At the time I swore my second affidavit the position in relation to whether the Respondents could or should seek to adduce further evidence from Ms Scott and Ms Roberts had not changed materially from that described in paragraph 5 above. That is to say, I considered that I did not at that time have sufficient information to form a view about whether the Respondents could or should seek to adduce evidence in relation to topics beyond those referred to in my first affidavit, I had not yet sought counsel's advice in relation to that question, and accordingly no decision had been made.
- 9. At the hearing of the Respondents' Interlocutory Application on 7 April 2021 the Court made an order as follows (order 6):

The respondents be granted leave to file and serve Outlines of Evidence for Emma Roberts-Smith and Danielle Scott-Flanders within seven days as to the matters identified in paragraphs 31-35 inclusive, of the affidavit of Peter Bartlett sworn on

15 March 2021.

of 447 Collins Street, Melbourne
An Australian Legal Practitioner
within the meaning of the Legal
Profession Uniform Law (Victoria)

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10. In the period following my first affidavit, and continuing after my second affidavit, Dean Levitan, a solicitor assisting me in this matter, continued to make enquiries in relation to the potential evidence of Ms Scott and Ms Roberts.

11. On the evening of 8 April 2021 Mr Levitan briefed Counsel with material in order to obtain

Counsel's advice in relation to the outlines of evidence of Ms Scott and Ms Roberts.

12. On 12 April 2021 the Respondents served Outlines of Evidence for Emma Roberts and Danielle Scott. A copy of the letter serving those outlines is annexed and marked PLB-5.

The outlines of Ms Roberts and Ms Scott are annexed and marked PLB-6 and PLB-7

respectively.

13. The Respondents accept that the anticipated evidence in paragraphs 4(c), (d) and (e) of the Outline of Evidence of Ms Roberts, and paragraphs 15 and 17 to 35 of the Outline of Evidence of Ms Scott extends beyond the leave granted by the Court on 7 April 2021. The

Respondents now seek leave in relation to that anticipated evidence.

John McLeod

14. On 6 April 2021 I received a letter from Mark O'Brien Legal in relation to the Respondents' application for leave to issue a subpoena to John McLeod, and for leave to file and serve an Outline of Evidence for Mr McLeod in the form annexed to my second affidavit and

marked PLB-2. A copy of that letter is annexed hereto and marked PLB-8.

Affirmed by the deponent at Melbourne in Victoria on 22 April 2021 Before me:

Signature of witness

DYLAN DEXTER of 447 Collins Street, Melbourne An Australian Legal Practitioner within the meaning of the Legal

Profession Uniform Law (Victoria)



Annexure Certificate

No. NSD1485/2018 NSD1486/2018 NSD1487/2018

Federal Court of Australia
District Registry: New South
Wales Division: General

Ben Roberts-Smith

Applicant

Fairfax Media Publications Pty Limited and others

Respondents

This is the annexure **PLB-4** referred to in the Affidavit of Peter Llewellyn Bartlett affirmed on 22 April 2021.

Martle .

DYLAN DEXTER Development of 447 Collins Street, Melbourne

of 447 Collins Street, Melboume An Australian Legal Practitioner within the meaning of the Legal Profession Uniform Law (Victoria)



ABN 86 002 421 123

Level 19, 68 Pitt Street Sydney NSW 2000 Australia

Our Ref: MOBL 283 Your Ref: PLB 1183220

18 March 2021

Mr. Peter Bartlett Minter Ellison Collins Arch, 447 Collins Street MELBOURNE VIC 3000

By Email: Peter.Bartlett@minterellision.com

Dear Colleagues

Ben Roberts-Smith VC MG v Fairfax Media Publications Pty Ltd & Ors Federal Court of Australia Proceedings No. NSD 1485, 1486 and 1487 of 2018

We refer to the interlocutory application and affidavit of Peter Bartlett served by the Respondents on 15 March 2021 (Amendment Application).

As foreshadowed by the Applicant's senior counsel at the hearing before Besanko J on 17 March 2021, the Applicant's position in relation to the Respondents' Amendment Application is as follows:

- 1. the Applicant opposes the proposed amendments to the Particulars of Truth;
- 2. the Applicant opposes the proposed additional Sensitive Witnesses;
- 3. the Applicant does not oppose the Respondents calling Emma Roberts-Smith or Danielle Scott-Flanders, subject to the Respondents serving Outlines of Evidence on behalf of those proposed witnesses by 29 March 2021.

Yours faithfully

Mark O'Brien

Principal

T+61 2 9216 9828

M +61 412 637 304

E mark.obrien@markobrienlegal.com.au

Annexure Certificate

No. NSD1485/2018 NSD1486/2018 NSD1487/2018

Federal Court of Australia
District Registry: New South
Wales Division: General

Ben Roberts-Smith

Applicant

Fairfax Media Publications Pty Limited and others

Respondents

This is the annexure PLB-5 referred to in the Affidavit of Peter Llewellyn Bartlett affirmed on 22 April 2021.

Bottle tt.

DYLAN DEXTER DEAT

of 447 Collins Street, Melbourne An Australian Legal Practitioner within the meaning of the Legal Profession Uniform Law (Victoria)

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MinterEllison

12 April 2021

BY EMAIL Mark.OBrien@markobrienlegal.com.au

Mark O'Brien Principal Mark O'Brien Legal Level 19 68 Pitt Street SYDNEY NSW 2000

Dear Mr O'Brien

Ben Roberts-Smith v Fairfax Media Publications & Ors Federal Court Proceeding numbers NSD 1485, 1486 and 1487 of 2018

We refer to the Court's order made on 7 April 2021 concerning the service of outlines of evidence of Emma Roberts and Danielle Scott (referred to in the orders as Emma Roberts-Smith and Danielle Scott-Flanders).

We *enclose* outlines of evidence for Emma Roberts and Danielle Scott. We acknowledge that the anticipated evidence at paragraphs 4(c) to (e) of the outline of Ms Roberts and paragraphs 9-12, 14-15 and 17-35 of the outline of Ms Scott extends beyond the leave granted by the Court on 7 April 2021. Could you please confirm that you do not oppose the Respondents relying on the outlines in this form or, if you do, identify the basis of your opposition. When the matter is next before the Court we will seek an order extending the leave to this anticipated evidence.

You will note from the outline of Ms Roberts that we are unable to provide further detail in relation to the anticipated evidence of Ms Roberts due to a confidentiality agreement between your client and Ms Roberts. If your client requires further detail in relation to Ms Roberts' anticipated evidence we invite your client to confirm that the confidentiality agreement does not operate to prevent Ms Roberts conferring with us for the purpose of discussing the evidence she will give at trial.

As will be evident from the outlines of evidence, it has come to our clients' attention that your client buried a lunch box containing six USB sticks in the backyard of the home he shared with his former wife. Our client has been provided with a copy of the material that was contained on those USBs and has instructed us that the USBs contain apparently relevant and discoverable material. So much is clear from the file names of the documents which can be seen on Attachment L to the outline of evidence of Ms Scott.

Our clients have notified the Australian Federal Police that they are in possession of copies of the USBs and intend to fully cooperate with law enforcement authorities in respect of this material. The Respondents are also attending to preparing a supplementary list of documents giving discovery of the attachments to Ms Scott's outlines and will provide this as soon as possible.

The circumstances described in the outline of evidence of Ms Scott, and discussed above, gives rise to a serious concern about your client's compliance with his discovery obligations, and whether he has engaged in a deliberate attempt to conceal relevant evidence in these proceedings. We have written to you on several occasions about your client's compliance with his discovery obligations.

Our clients reserve their rights in relation to these matters, but invite your client to immediately:



- file and serve an updated List of Documents, which should specifically describe any documents that were once, but are no longer in his possession, and the circumstances about why those documents are no longer in the Applicant's possession;
- produce to the Respondents any further relevant or discoverable material; and
- provide any explanation he is able to provide so that we may take it into account in determining the Respondents' next steps in relation to this matter.

For the avoidance of doubt, the Applicant should preserve each of the six USB sticks (and any copies of those USB sticks and their contents) and any communications between him and other witnesses in relation to the USBs and their contents.

Yours faithfully MinterEllison

Contact: Dean Levitan T: +61 3 8608 2152

Dean.Levitan@minterellison.com Partner: Peter Bartlett T: +61 3 8608 2677

OUR REF: PLB 1183220

Annexure Certificate

No. NSD1485/2018 NSD1486/2018 NSD1487/2018

Federal Court of Australia
District Registry: New South
Wales Division: General

Ben Roberts-Smith

Applicant

Fairfax Media Publications Pty Limited and others

Respondents

This is the annexure **PLB-6** referred to in the Affidavit of Peter Llewellyn Bartlett affirmed on 22 April 2021.

Pfartlett.

of 447 Collins Street, Melboume
An Australian Legal Practitioner
within the meaning of the Legal
Profession Uniform Law (Victoria)

ME_183078226_I

Outline of Evidence – Emma Roberts

No. NSD1485 of 2018

Ben Roberts-Smith

Applicant

Fairfax Media Publications Pty Limited and Ors

Respondents

The Respondents anticipate that at trial Emma Roberts will give evidence about the following matters:

- 1. Emma Roberts was formerly known as Emma Roberts-Smith and was married to the Applicant until they separated in early 2020.
- 2. On 6 April 2018 Ms Roberts became aware that the Applicant had been having an affair with Person 17.
- 3. After that time the Applicant asked Ms Roberts to lie and say that they were separated at the time of the affair to protect him if the matter became public.
- 4. Ms Roberts is subject to a confidentiality agreement with the Applicant which prevents her from disclosing the evidence she will give at trial other than under compulsion. The Respondents anticipate that Ms Roberts will give evidence at trial in relation to the following topics:
 - (a) The Applicant's affair with Person 17 and the events of 6 April 2018 when Person 17 arrived at the Applicant's and Ms Roberts' home in Ilkley Rd on the Sunshine Coast (**Ilkley home**) to disclose the affair.
 - (b) The circumstances relating to the Applicant's request to Ms Roberts to lie about whether the Applicant and Ms Roberts were separated between October 2017 and April 2018, including in the outline of evidence for Ms Roberts filed by the Applicant in these proceedings.
 - (c) The Applicant's concealment of evidence, including by emailing documents to her in August 2018 and burying USBs in the backyard of the Ilkley home.
 - (d) Steps taken by the Applicant to communicate covertly with witnesses including Person 5, 11, 29 and 35.
 - (e) Steps taken by the Applicant in relation to witnesses against his interests, including Person 18.

Annexure Certificate

No. NSD1485/2018 NSD1486/2018 NSD1487/2018

Federal Court of Australia
District Registry: New South
Wales Division: General

Ben Roberts-Smith

Applicant

Fairfax Media Publications Pty Limited and others

Respondents

This is the annexure **PLB-7** referred to in the Affidavit of Peter Llewellyn Bartlett affirmed on 22 April 2021.

DYLAN DEXTER DESTO

of 447 Collins Street, Melbourne An Australian Legal Practitioner within the meaning of the Legal Profession Uniform Law (Victoria)

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Outline of Evidence - Danielle Scott

No. NSD1485 of 2018

Ben Roberts-Smith

Applicant

Fairfax Media Publications Pty Limited and Ors

Respondents

The Respondents anticipate that at trial Danielle Scott will give evidence in substance in accordance with this outline of evidence.

Background

- Ms Scott is the best friend of Ms Emma Roberts (formerly known as Emma Roberts-Smith), who
 was married to the Applicant for 22 years. Ms Scott and Ms Roberts have been friends for 45
 years.
- 2. Throughout their friendship Ms Scott and Ms Roberts have communicated very regularly via telephone and text message. Throughout the friendship, and particularly since late 2017, Ms Roberts has confided in Ms Scott.

The Applicant's affair with Person 17

- 3. To the best of Ms Scott's knowledge, the Applicant and Ms Roberts did not separate at any time prior to January 2020. Ms Scott believes that if the Applicant and Ms Roberts separated at any time earlier. Ms Roberts would have told her.
- 4. Between about October 2017 and April 2018, Ms Roberts regularly expressed concern to Ms Scott that the Applicant was having an affair.
- 5. On 6 April 2018 Ms Scott saw that she had a number of missed calls from Ms Roberts on her mobile phone. She called Ms Roberts back and they had a conversation in words to the following effect:
 - S: "Is everything ok?"
 - R: "Are you sitting down?"
 - S: "Do I need to be?"
 - R: "Yes, I'm standing on my verandah and I'm looking at Ben's girlfriend (referring to Person 17)."
- 6. During the conversation with Ms Roberts they had a conversation in words to the following effect:
 - R: "She has a big black eye."
 - S: "How did she get that?"
 - R: "I asked her the same thing, she said she down the stairs at parliament house".
- 7. Ms Scott stayed on the phone for some time. In the background she could hear voices she recognised as Christine Bradley (Ms Roberts' mother), Paul Bradley (Ms Roberts' step-father) and Diane Young (Ms Roberts' house keeper). The phone was passed around and she spoke from time to time to those other people. During the phone call Ms Scott had a conversation with Ms Bradley during which Ms Bradley said to Ms Scott words to the effect "I asked her if Ben gave her the black eye and she said no."
- 8. On 8 April 2018 Ms Scott engaged in a text message exchange with Ms Roberts, a copy of which is attached to this statement and marked **A.**

- 9. On about 20 April 2018, Ms Scott received a call from the Applicant and Ms Roberts. The Applicant and Ms Roberts were driving home from the Gabba in Brisbane, where the Applicant had spoken earlier in the day, and Ms Scott was on speaker phone. The Applicant and Ms Roberts informed Ms Scott that earlier that day Person 17 had contacted the Applicant's personal assistant, Ms Leonie Atkinson, asking the Applicant to log into the joint secret email account he maintained with Person 17. Ms Roberts and the Applicant asked Ms Scott to log into the email account and see what was there. Ms Scott did so and saw that there was a draft email in the account which suggested that Person 17 may have be in trouble and needed help.
- 10. Ms Scott spoke to the Applicant and said words to the effect "do you need me to call her?" The Applicant asked Ms Scott to try to contact Person 17. Ms Scott tried to call Person 17 at least twice that day and again the next day, from a private number. Person 17 did not answer.
- 11. On 22 April 2018 the Applicant sent Ms Scott the text of an email for her to send Person 17. A copy of that email is attachment **B.** Ms Scott set up a Gmail account using the name "Danielle Kennedy" (Kennedy being Ms Scott's mother's maiden name) and sent the email to Person 17.
- 12. On 24 April 2018 the Applicant sent Ms Scott the text of a further email to send to Person 17. A copy of that email is attachment **C.** Ms Scott sent the email to Person 17.
- 13. On 27 April 2018 Ms Scott engaged in a text message exchange with Ms Roberts, a copy of which is attached to this statement and marked **D.**
- 14. At about this time the Applicant said to Ms Scott that he had a video of Person 17 that he said proved she lied about having an abortion.
- 15. In about October 2018 Ms Roberts said to Ms Scott words to the effect "Ben asked if you could contact John McLeod and ask for a copy of the video of [Person 17]." Ms Roberts had previously told Ms Scott that the Applicant had fallout with Mr McLeod. Ms Scott contacted Mr McLeod and asked him for the file. On 22 October 2018 Mr McLeod sent the video to Ms Scott. A copy of a message from Mr McLeod to Ms Scott is attached and marked E. Ms Scott provided the video to the Applicant.
- 16. In about July 2019 Ms Roberts told Scott that she lied in her outline of evidence about being separated with the Applicant during his affair with Person 17 because the Applicant pressured her to do so on the basis that if she didn't, she would lose everything.

Conferring with witnesses and phones and SIM cards

- 17. On 9 May 2018 Ms Scott engaged in a text message exchange with Ms Roberts, a copy of which is attached to this statement and marked **F.**
- 18. On or around 9 June 2018, the Applicant asked Ms Scott to purchase him 2 x Telstra pre-paid sim cards and 2 x iPhones. The Applicant said to Ms Scott words to the effect "I want to be able to contact the guys in the unit without our phones being tapped".
- 19. On or around 9 June 2018, Ms Scott purchased 2 x Telstra sim cards and 2 x iPhones in cash from Officeworks and provided them to the Applicant.
- 20. Ms Scott set up the two iPhones using an Apple ID in her name and activated the sim cards (one in her name and one in her husband's).
- 21. On 28 June 2018, the Applicant's company transferred \$914 to Ms Scott as reimbursement for purchasing the sim cards and the iPhone.
- 22. From that time the Applicant and Ms Scott referred to the phones using the code names "handbag 1" and "handbag 2".
- 23. From time to time the Applicant asked Ms Scott to top up the credit on the sim cards and they would reimburse her for doing so.
- 24. In December 2018, the Applicant asked Ms Scott to purchase further sim cards. At about this time Ms Scott purchased a further 2 x Optus sim cards and provided them to the Applicant.
- 25. In January 2019 Ms Scott bought her son an iPhone which she activated using the same Apple ID as that used to activate the iPhones she gave to the Applicant in June 2018. When Ms Scott went

into the contacts on the phone to add her and her husband's contact details to her son's iPhone she noticed that there were five contacts already stored in the phone using the initials of those individuals. Ms Scott checked the number for one of the initials saved against the phone number for Person 11 which she had stored in her own phone (as she had previously been in contact with Person 11 in relation to arranging babysitting in Bali), and the phone numbers matched. Ms Scott asked Ms Roberts about the other initials and Ms Roberts said they were for Persons 35, 29, 5 and 56.

Documents

- 26. From about October 2017 Ms Roberts started forwarding documents to Ms Scott from time to time for safe-keeping. Ms Roberts said to Ms Scott words to the effect "Dan can you keep these for me".
- 27. On 17 August 2018 Ms Roberts sent to Ms Scott four emails. Copies of those emails, and their attachments, are attached and marked **G** to **J**.

Buried USBs

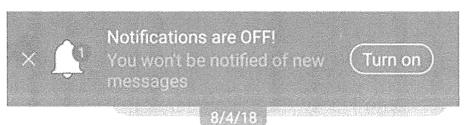
- 28. In or about late 2018, but prior to November 2018, Ms Scott had a telephone conversation with the Applicant and Ms Roberts (who were both on loud speaker). During that conversation the Applicant said words to the effect "the boys are sending me photos".
- 29. At some time prior to 15 March 2020 Ms Roberts told Ms Scott that she suspected that the Applicant had buried something in the backyard.
- 30. On about 16 March 2020 Ms Scott was visiting Ms Roberts and they looked in the backyard to see if they could find what had been buried. They noticed a rock on the ground under a hose reel and dug under it using a pitchfork. About 10-15cm down they found a lunchbox which contained six USBs that had been placed in a plastic snap lock bag. Ms Scott copied the contents of the USBs onto her computer. Ms Scott and Ms Roberts placed the USBs back in the bag and the lunchbox and re-buried it. Ms Scott was contacted by the AFP and she provided a copy of the contents of the USBs to them.
- 31. On 5 June 2020 just before 2pm, Ms Roberts and Ms Scott were on the phone. Ms Roberts told Ms Scott words to the effect "Ben is coming over to collect some documents". During that call they discussed that the Applicant may be coming to retrieve the USBs. Ms Roberts ended the call so she could go and take photos of the area where the lunchbox was buried.
- 32. After the call Ms Roberts sent Ms Scott four photos of the area where the lunchbox had been buried. Those photos are attached and marked **K**. The first two photos were taken at about 2:06pm and the second two were taken at about 2:32pm.
- 33. Screenshots of the file names of the documents Ms Scott copied off the USB are attached and marked L.

Enquiries regarding stamps and John McLeod

- 34. Ms Scott used to work at Australia Post. In the period prior to about June 2018 the Applicant contacted Ms Scott and ask her questions about how stamps and franking works, and whether letters could be traced based on the stamps or barcodes.
- 35. In or about February 2020 Ms Scott asked Ms Roberts in effect what happened between the Applicant and Mr McLeod. Ms Roberts replied words to the effect: "Ben got John to send the threatening letters that were referenced in the Fairfax articles in June 2018 and once John realised that Ben had used him to send those letters, John approached Ben about it and they had a falling out."

Attachment A





Well at least I know, Tim wife didn't and she was using 7 money

11:09

You could always say that you were seperated at the time to take the sting out of it??



Nup 11:10

No more lies man

Not ideal but it is a plausible strategy

11:10 🗸



I'm dealing with enough lies already

11:10

True 11:11 🗸



He will have to wear that 11:11



Attachment B

Dylan Dexter

From:

Ben Roberts-Smith <b.robertssmith@icloud.com>

Sent:

Sunday 22 April 2018 04:35 PM

To:

dscottfl@bigpond.com

Subject:

Gmail

P17

My name is Danielle Kennedy and I represent Mr and Mrs Roberts-Smith. I am aware of all details pertaining to your particular situation and have been instructed to contact you using the gmail account details you supplied to Mr Roberts-Smith's office.

I have now try to call your mobile on multiple occasions on Friday 20 April and Saturday 21 April. I have also been corresponding with you via your gmail account and have tried to ascertain a suitable time to speak with you in person. Due to you not providing me an appropriate time to call I am now sending this email.

I will highlight that at no stage has Mr Roberts-Smith, his family, or any associates tried to communicated with you post Friday 06 April 2018 when you arrived without invitation and unannounced to the Roberts-Smith's private residence and were asked to leave.

Due to you calling Mr Roberts-Smith's place of employment and leaving a panicked message that included you stating you have been "threatened" by a 3rd party we feel an obligation to offer you assistance and as such recommend that if you have or are being threatened you should engage the Qld Police. If you require our assistance with that process we are able to connect you with the relevant people.

As Mr Roberts-Smith has made clear to you now on several occasions he does not wish to personally communicate with you through any means. Given the disturbing nature of your last message to Mr Roberts-Smith's office he has requested I assist you where and if required.

I can be contacted through my gmail account as attached. You can expect further correspondence shortly to follow up.

Sincerely

Danielle

Regards

BRS

Attachment C

Dylan Dexter

From: Ben Roberts-Smith <b.robertssmith@icloud.com>

Sent: Tuesday 24 April 2018 04:45 PM

To: dscottfl@bigpond.com

Subject: 2nd Letter

Hi Dan,

As discussed;

P17

In regard to your letter of reply on the 22nd April.

We have offered you assistance as you requested and as was recorded through Mr Roberts-Smith's personal assistant on the 20 April at 12:57pm where you stated that you were being threatened and required Mr Roberts-Smith's help.

We now acknowledge that you have since changed your position and no longer require any assistance or help. As this is the case you can expect all communication from myself to cease immediately.

I will reiterate that Mr and Mrs Roberts-Smith have asked you to refrain from attempting to communicate with them, their family, all associates and places of employment.

Sincerely

Danielle Kennedy.

Happy for you to amend if required.

BRS



Emma Roberts-Sm...

Last seen on 24 February











BRS thinks if it hits the press I say we were separated (**)

11:38

Oooooh are you ok with that?

11:38 V



Not really 11:38

He thinks that will stop a story lingering

11:39

No I didn't think so ...

But I can see his thinking around this because he thinks it might be the only way that the both of you survive this

11:39 W



He thinks the press will go oh so what no story and the girls won't actually know when they're older

11:40

Type a message...











000

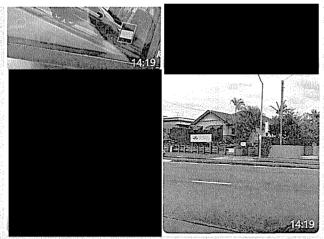










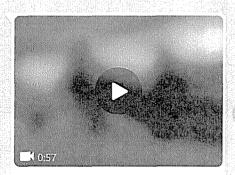


Thanks John, no luck on the other file yet?

16:22 🎶

Q

22/10/2018



Here it's mate!!! That didn't take long !!!!

Thanks John looking a bit polished for somebody who's supposed to have undertaking that procedure



Emma Roberts-Sm...







Last seen 10 min ago



Hey mate, yeh ang brs late he was drilled for hours! Lots of questions about Ben and even to the point of questioning his VC action (a) hence to say he didn't get much sleep! was free to leave for the US with 5 hrs until his flight!!

5:41

Fark 6:04 w

So if they let go ... that's gotta be a good sign right?



Yeh 6:13

It's obvious that someone has said a hell of a lot about Ben

6:13

But they also have to be able to prove it



6:14

Type a message...











000



Attachment G

Subject:

Fwd: Image 1

Date:

Friday, 17 August 2018 at 2:06:56 pm Australian Eastern Standard Time

From:

Emma

To:

dscottfl@bigpond.com

Attachments: IMG_0399.jpg

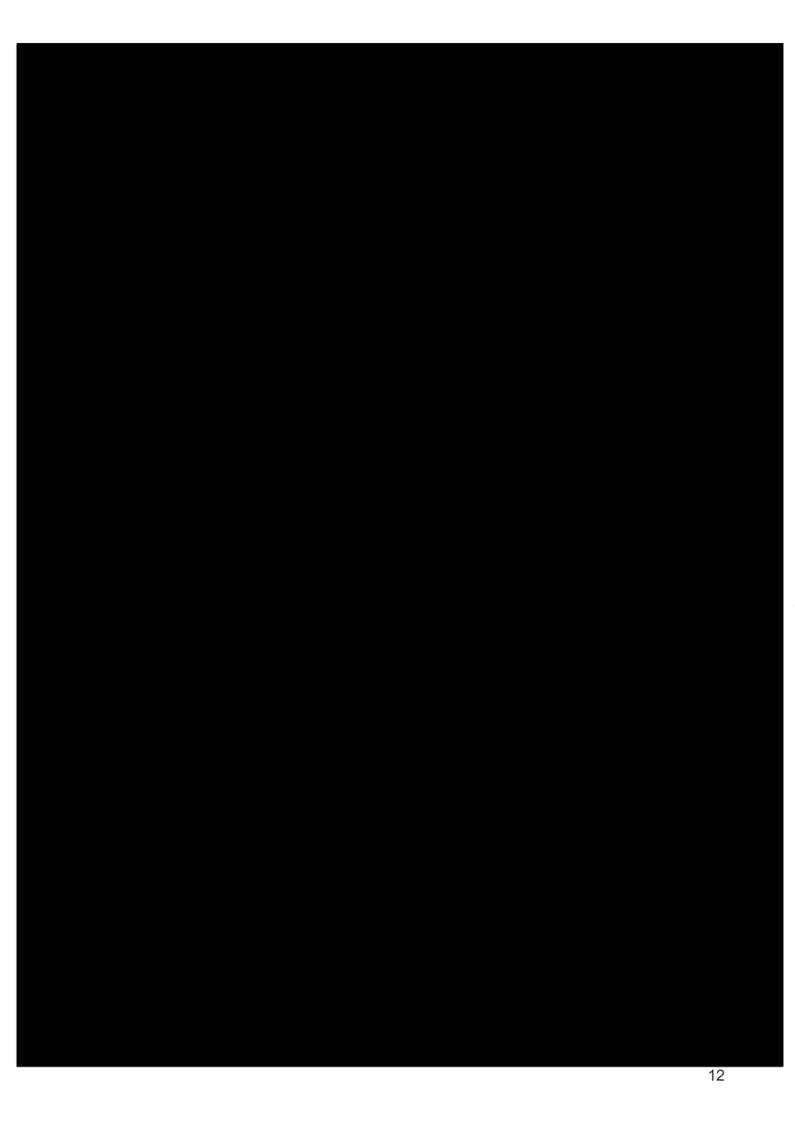
Sent from my iPhone

Begin forwarded message:

From: Ben Roberts-Smith < b.robertssmith@me.com > Date: 17 August 2018 at 1:56:30 pm AEST

To: Emma Roberts-Smith < emma@rsgroupaustralia.com >

Subject: Image 1



Attachment H

Subject:

Fwd: 1 of 2

Date:

Friday, 17 August 2018 at 2:05:57 pm Australian Eastern Standard Time

From:

Emma

To:

dscottfl@bigpond.com

Attachments: IMG_0400.jpg

Sent from my iPhone

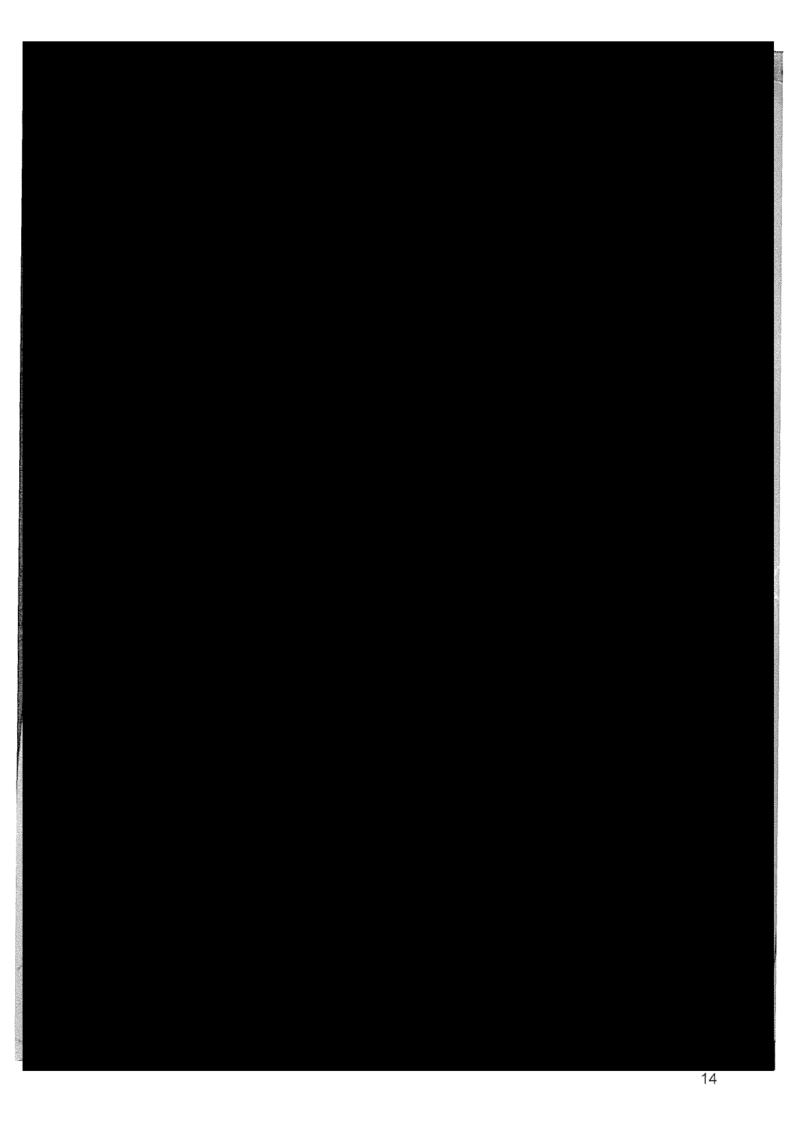
Begin forwarded message:

From: Ben Roberts-Smith < b.robertssmith@me.com>

Date: 17 August 2018 at 1:55:17 pm AEST

To: Emma Roberts-Smith < emma@rsgroupaustralia.com >

Subject: 1 of 2



Attachment I

Subject:

Fwd: 2 of 2

Date:

Friday, 17 August 2018 at 2:06:33 pm Australian Eastern Standard Time

From:

Fmma

To:

dscottfl@bigpond.com

Attachments: IMG_0401.jpg

Sent from my iPhone

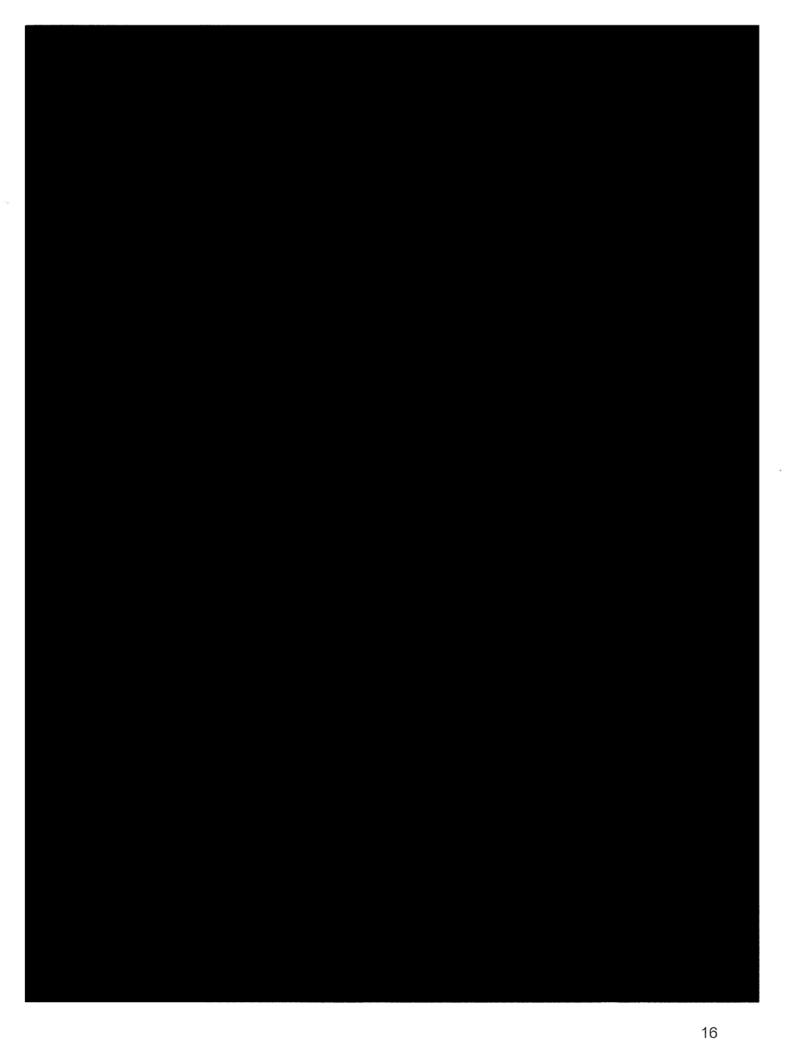
Begin forwarded message:

From: Ben Roberts-Smith < b.robertssmith@me.com>

Date: 17 August 2018 at 1:55:44 pm AEST

To: Emma Roberts-Smith < emma@rsgroupaustralia.com >

Subject: 2 of 2



Attachment J

Subject:

Fwd: Copy

Date:

Friday, 17 August 2018 at 2:07:17 pm Australian Eastern Standard Time

From:

Emma

To:

dscottfl@bigpond.com

Attachments: IMG_0444.jpg, IMG_0445.jpg

Sent from my iPhone

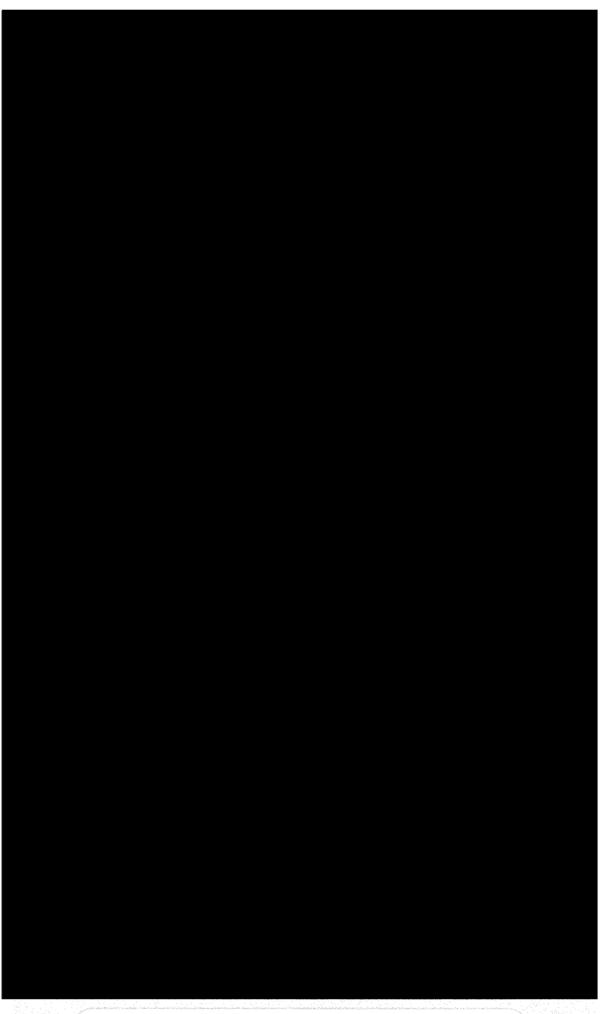
Begin forwarded message:

From: Ben Roberts-Smith < b.robertssmith@me.com >

Date: 17 August 2018 at 1:58:46 pm AEST

To: Emma Roberts-Smith < emma@rsgroupaustralia.com >

Subject: Copy





Message













Attachment L



123 Properties

General Sharing Previous Versions Customise

123

Type:

File folder

Location:

D:\

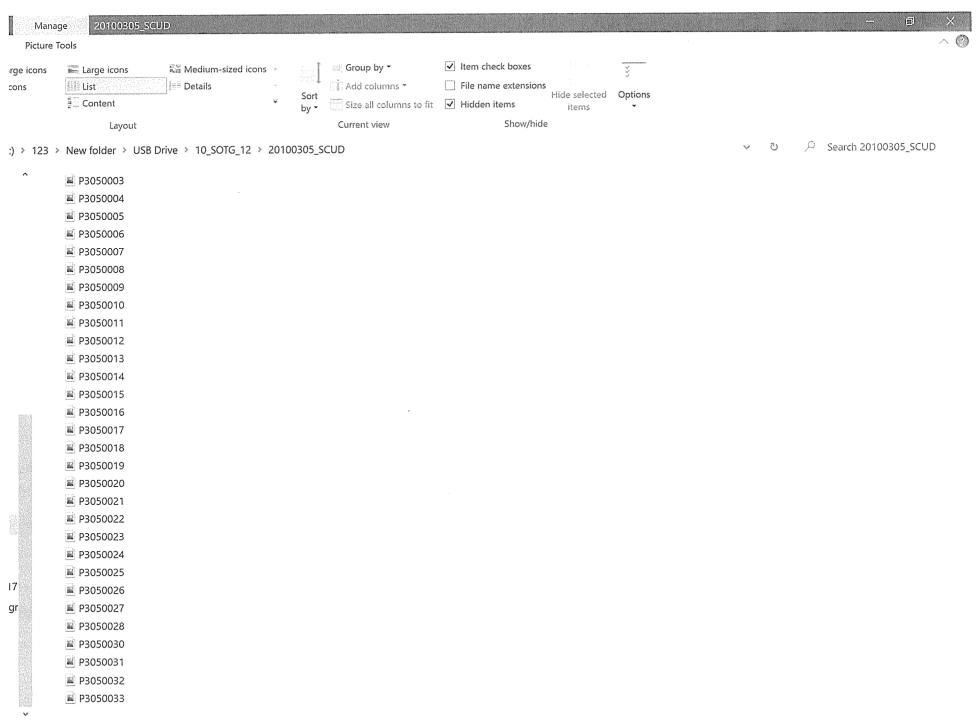
Size:

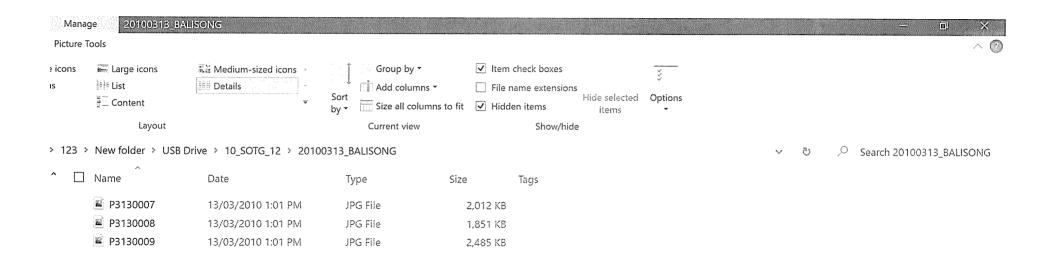
20.4 GB (21,962,235,406 bytes)

Size on disk: 20.8 GB (22,388,408,320 bytes)

Contains:

5,302 Files, 270 Folders







✓ Item check boxes Large icons Medium-sized icons Group by * icons E List Add columns * Details File name extensions Sort Hide selected Options Content Size all columns to fit Hidden items items Layout Current view Show/hide 123 > New folder > USB Drive > 12 SOTG_18 > Blaine > FUNERAL VIDEO's > Didds Service Search Didds Service Date modified Size Type AUDIO_TS 25/10/2012 12:42 AM File folder VIDEO_TS 12/06/2018 6:07 PM File folder _desktop Configuration setti... 4 KB 25/10/2012 12:42 AM desktop 11/07/2011 9:37 PM Configuration setti... 1 KB

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✓ Item check boxes Group by -Large icons Medium-sized icons arge icons List Details Add columns * File name extensions icons Hide selected Options Sort Content Size all columns to fit Hidden items items bv * Show/hide Layout Current view Search DIDDS WAKE D:) > 123 > New folder > USB Drive > 12_SOTG_18 > Blaine > FUNERAL VIDEO's > DIDDS WAKE ^

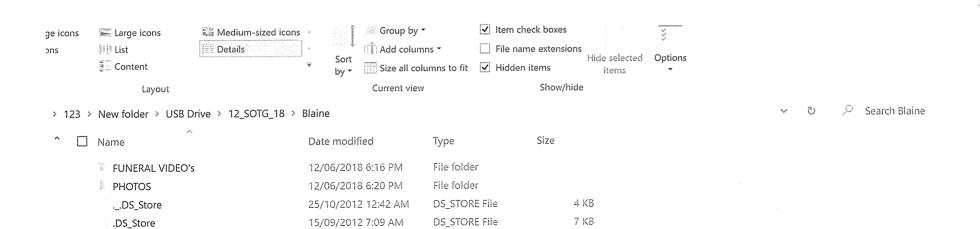
Name Туре Size Date modified AUDIO TS 25/10/2012 12:43 AM File folder VIDEO_TS 12/06/2018 6:16 PM File folder Configuration setti... ._desktop 4 KB 25/10/2012 12:43 AM desktop Configuration setti... 11/07/2011 9:37 PM 1 KB

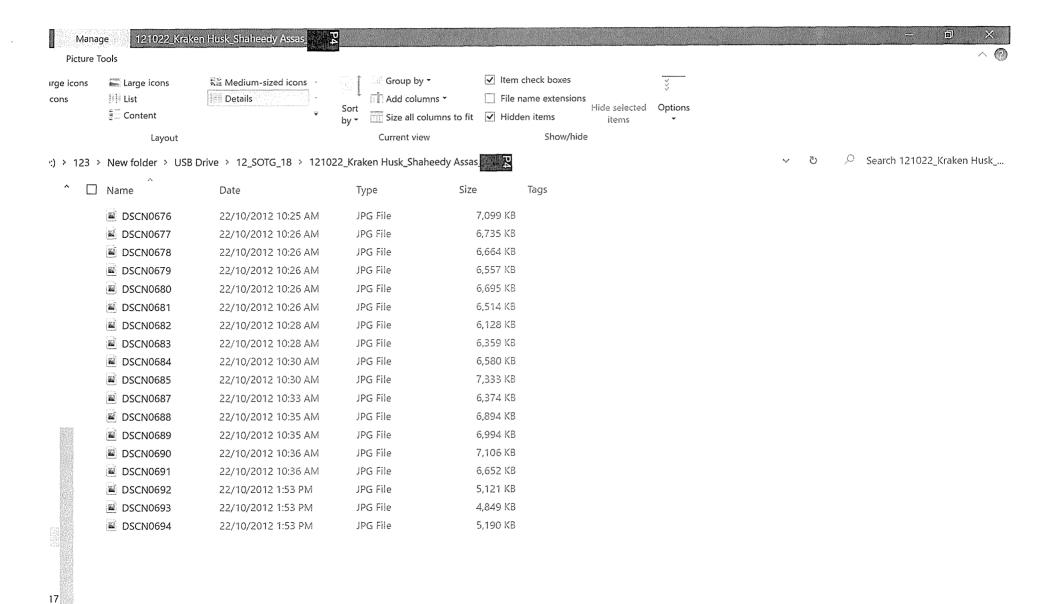
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✓ Item check boxes Large icons Medium-sized icons Group by ae icons - List Add columns ~ าทร Details File name extensions Hide selected Options Sort Content Size all columns to fit Hidden items items Layout Show/hide Current view Search FUNERAL VIDEO's > 123 > New folder > USB Drive > 12_SOTG_18 > Blaine > FUNERAL VIDEO's ^ □ Name Date modified Туре Size Didds Service 12/06/2018 6:03 PM File folder DIDDS WAKE 12/06/2018 6:16 PM File folder

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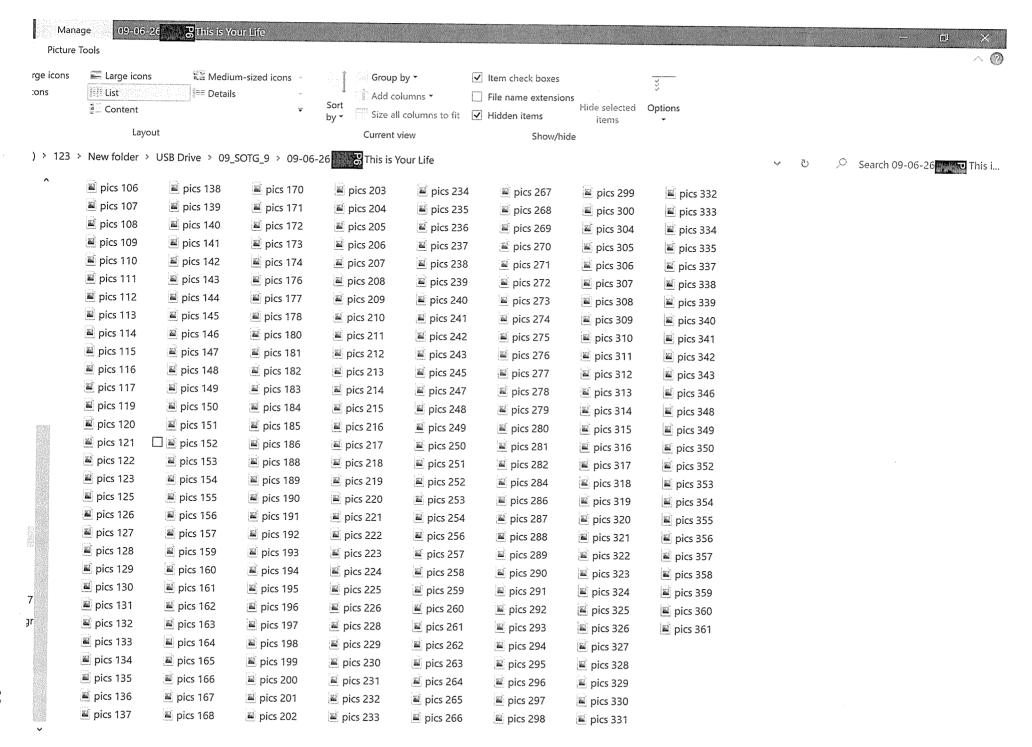


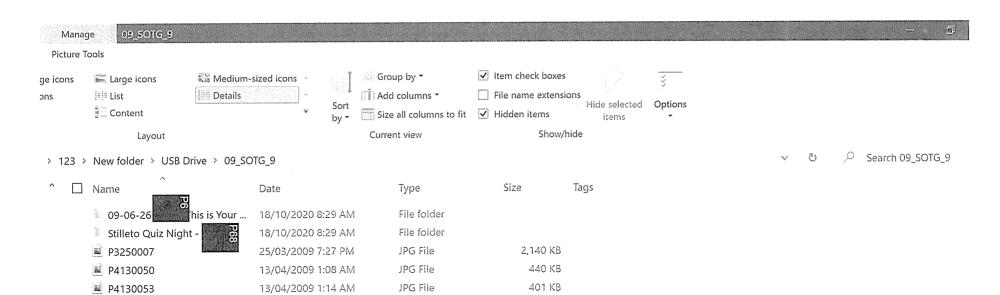
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✓ Item check boxes Medium-sized icons Group by • ge icons Large icons Add columns * - List Details File name extensions ons Hide selected Options Sort Content Size all columns to fit Hidden items items Show/hide Layout Current view Search 12 SOTG 18 > 123 > New folder > USB Drive > 12_SOTG_18 ^

Name Date modified Туре Size 121022 Kraken Husk Shaheedy Assas_... 12/06/2018 5:55 PM File folder Blaine 12/06/2018 6:19 PM File folder

^ @





416 KB

P4130061

13/04/2009 8:54 PM

JPG File

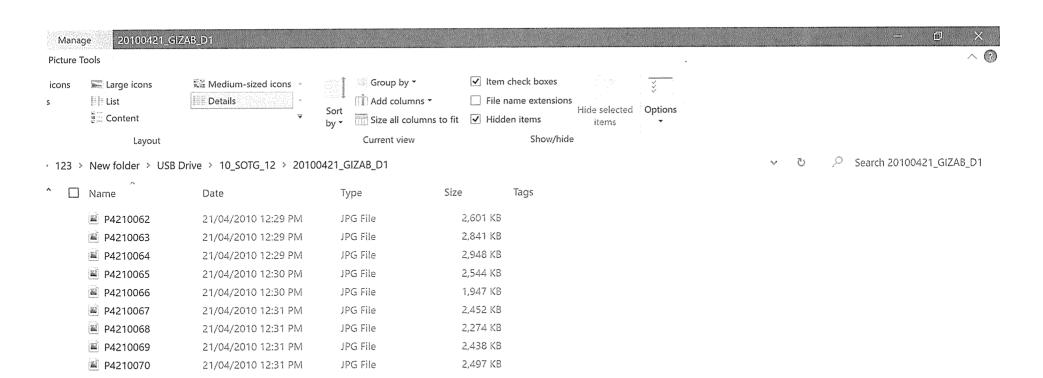
✓ Item check boxes Medium-sized icons Group by * Large icons E List ☐ ■ Details Add columns * File name extensions Hide selected Options Content Size all columns to fit 📝 Hidden items items Show/hide Current view Layout Search USB Drive 123 > New folder > USB Drive

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10_SOTG_12

12_SOTG_18

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∨ ♂ Search 20100422 GIZAB D2

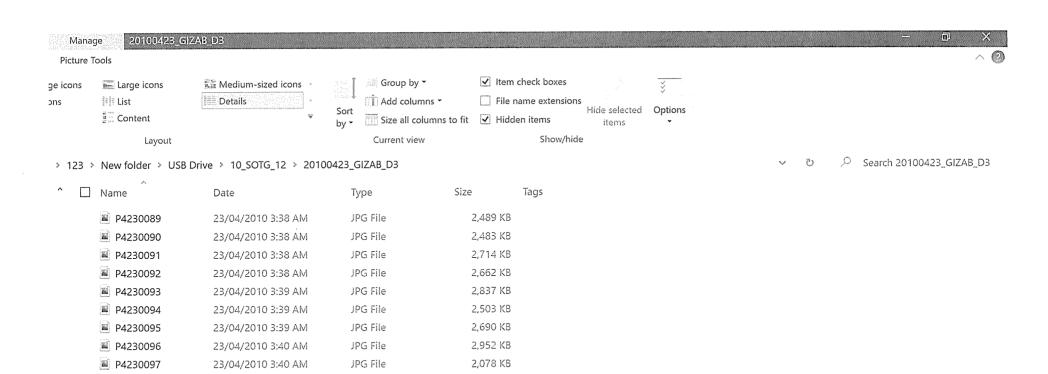
 \wedge ②

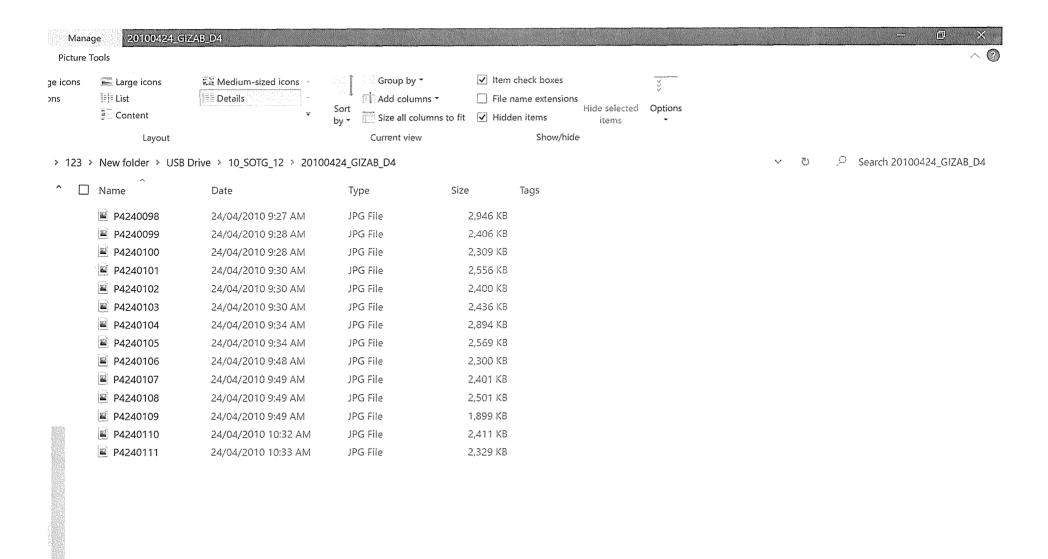
Picture Tools

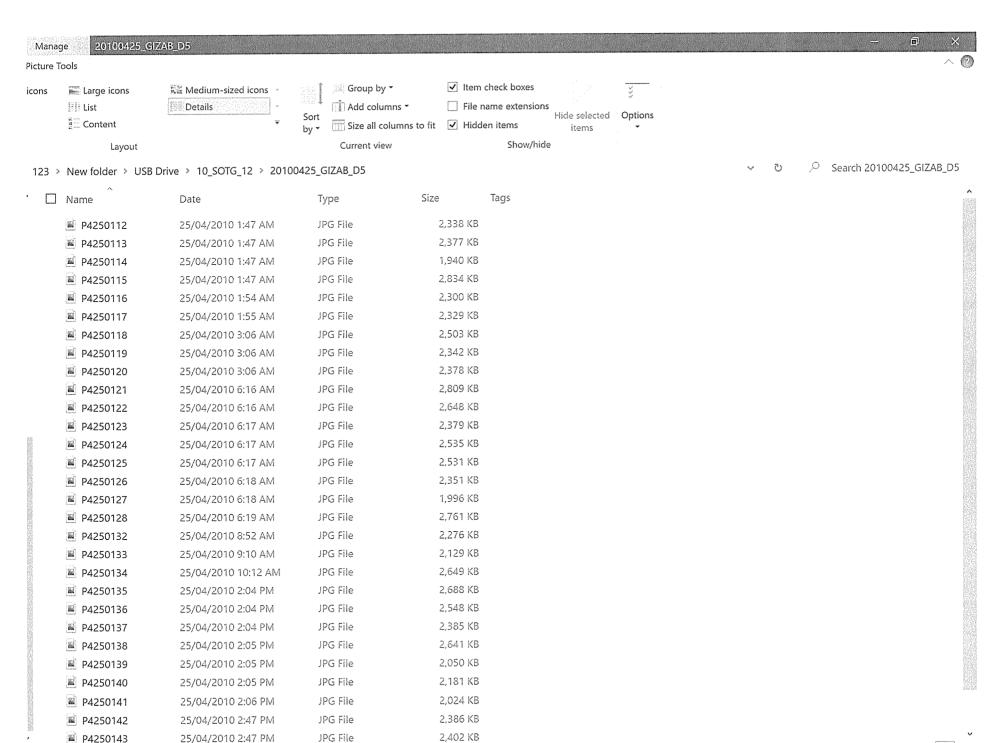
je icons ons	Large icons List Content	Medium-sized icons Details	Sort by *	Group by • Add columns • Size all columns to fit	✓ Item check boxes☐ File name extensions✓ Hidden items	Hide selected	Öptions
	Layout			Current view	Show/hide	:	

> 123 > New folder > USB Drive > 10_SOTG_12 > 20100422_GIZAB_D2

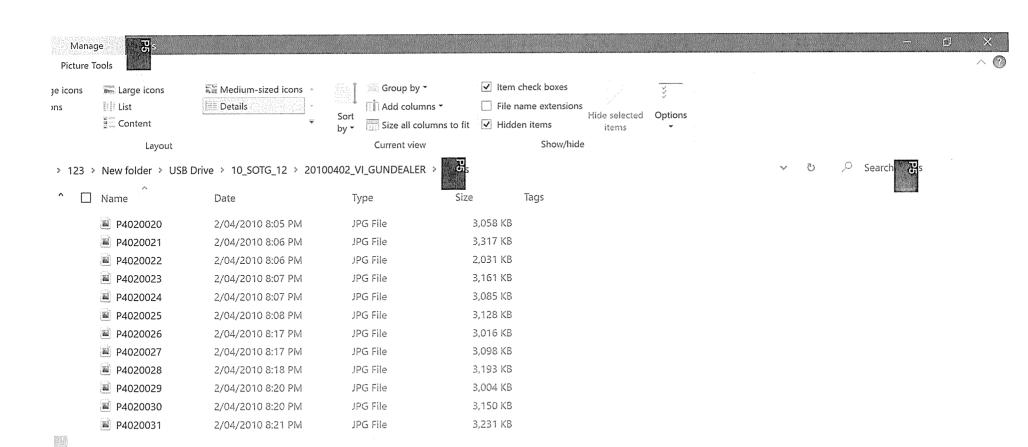
- 1	25 /	New Iolder > 036 DIN	/e / 10_301G_12 / 2010042	Z_GIZAB_DZ		
^		Name	Date	Туре	Size	Tags
		P4220071	22/04/2010 5:38 AM	JPG File	2,548 KB	
		P4220072	22/04/2010 5:38 AM	JPG File	2,688 KB	
		P4220073	22/04/2010 6:32 AM	JPG File	2,577 KB	
		P4220074	22/04/2010 6:32 AM	JPG File	2,469 KB	
		P4220075	22/04/2010 6:33 AM	JPG File	2,570 KB	
		P4220076	22/04/2010 6:33 AM	JPG File	2,446 KB	
		P4220077	22/04/2010 6:33 AM	JPG File	2,517 KB	
		■ P4220078	22/04/2010 6:33 AM	JPG File	2,885 KB	
		P4220079	22/04/2010 6:35 AM	JPG File	2,615 KB	
		P4220080	22/04/2010 6:36 AM	JPG File	2,463 KB	
		P4220081	22/04/2010 6:36 AM	JPG File	2,182 KB	
		P4220082	22/04/2010 6:37 AM	JPG File	2,427 KB	
		P4220083	22/04/2010 6:37 AM	JPG File	2,819 KB	
		P4220084	22/04/2010 7:09 AM	JPG File	2,409 KB	
		P4220085	22/04/2010 7:09 AM	JPG File	2,230 KB	
		P4220086	22/04/2010 7:09 AM	JPG File	2,362 KB	
		P4220087	22/04/2010 7:09 AM	JPG File	2,273 KB	
		P4220088	22/04/2010 7:10 AM	JPG File	2,897 KB	

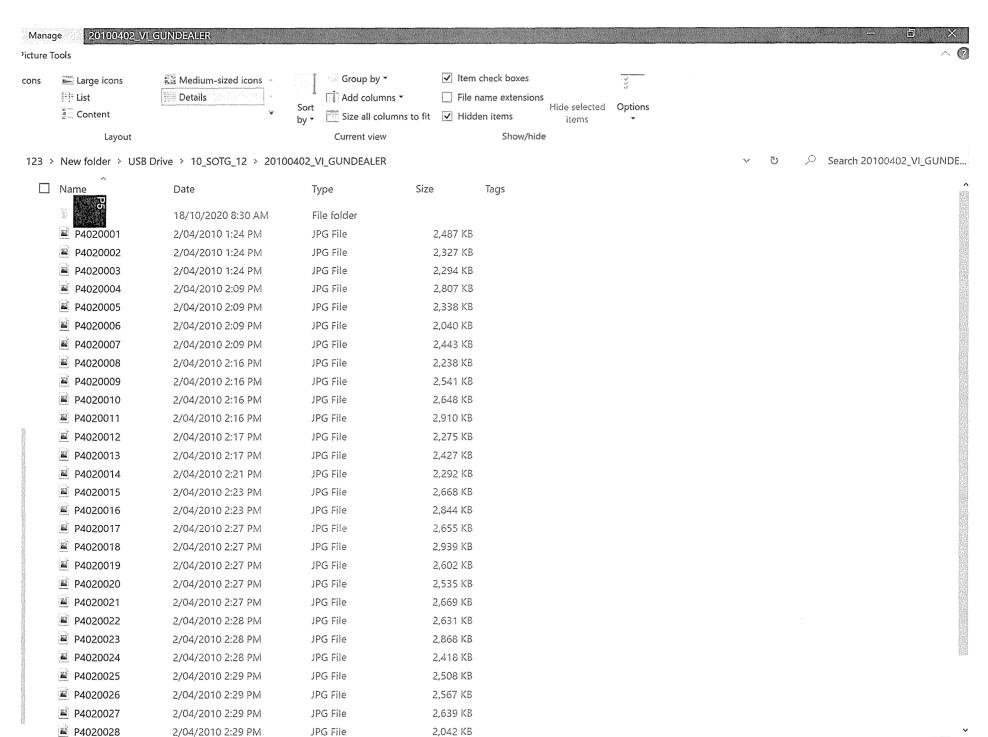






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icons s	Large icons List Content	K Medium-sized icons * ■ Details	Group by Add colur Sort by Size all co	nns 🕶 🗌 Fil	em check boxes le name extensions dden items	Hide selected	Options					
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· 123 >	New folder > USB D	orive > 10_SOTG_12 > 2010	00426_GIZAB_D6					~	Ö	∫ Search 2	20100426_GIZAB_D	16
^ _	Name	Date	Туре	Size	Tags							
	P4260146	26/04/2010 5:59 AM	JPG File	2,466 K	В							
	P4260147	26/04/2010 5:59 AM	JPG File	2,329 K	B							
	P4260148	26/04/2010 5:59 AM	JPG File	2,238 K	В							
	P4260149	26/04/2010 6:00 AM	JPG File	2,420 K	:B							
	P4260150	26/04/2010 6:08 AM	AVI File	4,704 K	B							
	P4260151	26/04/2010 6:13 AM	AVI File	18,436 K	B							
	P4260152	26/04/2010 6:24 AM	AVI File	2,648 K	B							
	P4260153	26/04/2010 6:25 AM	AVI File	13,592 K	B							
	P4260154	26/04/2010 6:25 AM	JPG File	2,285 K	В							



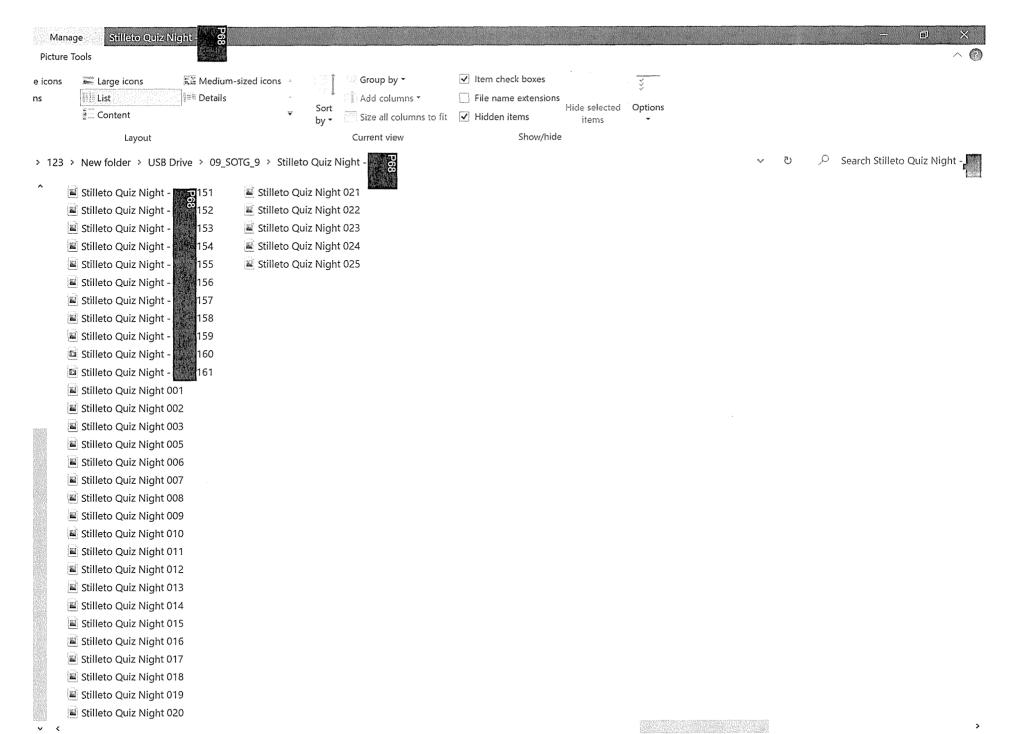


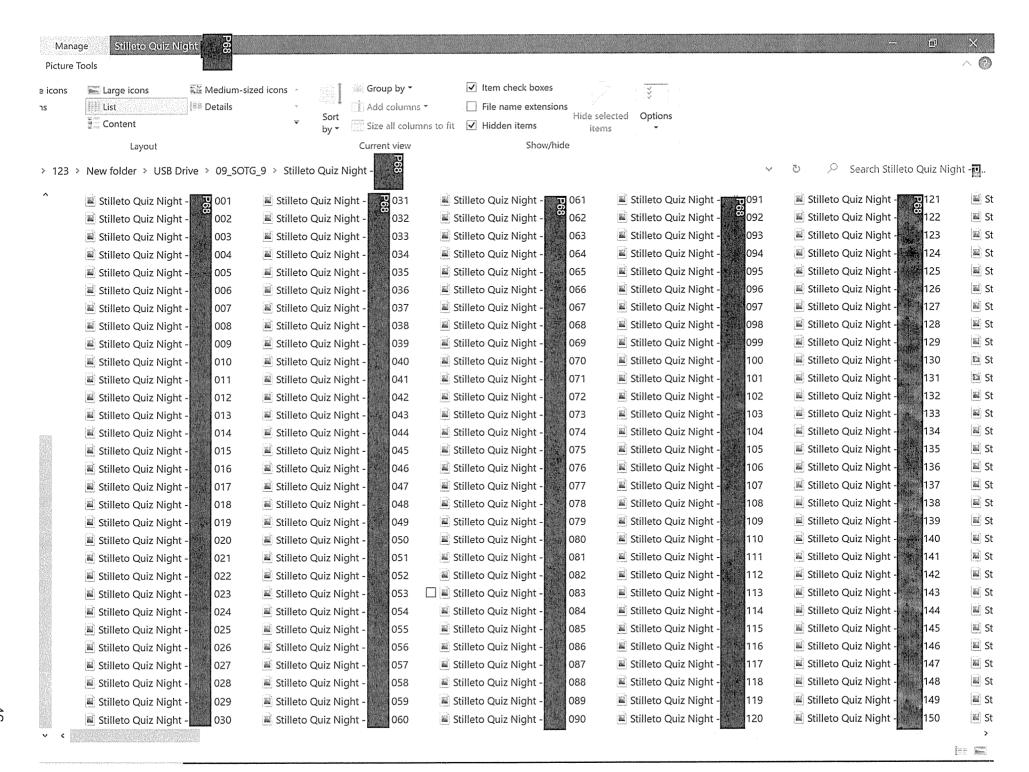
Picture Tools

icons	Large icons	Medium-sized icons		Group by ▼	✓ Item check boxes		¥.
s	≛≛≣ List	Details -	788	Ĩ Add columns ▼	File name extensions		0
	E Content	₩	, Sort by *	Size all columns to fit	✓ Hidden items	Hide selected items	Options •
	Lavout			Current view	Show/hide		

123 > New folder > U	USB Drive > 10_SOTG_12 >	20100315_SPYDERCO			~	Ŏ	Search 20100315_SPYDERCO
A	Data	Tuno	Sizo	Tage			

Ш	Name	Date	Туре	Size	lags
	P3150001	15/03/2010 10:06 AM	JPG File	2,263 KB	
	P3150002	15/03/2010 10:06 AM	JPG File	2,641 KB	
	P3150003	15/03/2010 10:07 AM	JPG File	2,201 KB	
	P3150004	15/03/2010 10:07 AM	JPG File	2,674 KB	
	P3150005	15/03/2010 10:07 AM	JPG File	2,492 KB	
	P3150007	15/03/2010 10:39 AM	JPG File	1,797 KB	
	P3150008	15/03/2010 10:39 AM	JPG File	1,989 KB	
	P3150009	15/03/2010 10:39 AM	JPG File	2,147 KB	
	P3150010	15/03/2010 10:39 AM	JPG File	1,847 KB	
	P3150011	15/03/2010 10:40 AM	JPG File	2,172 KB	
	P3150012	15/03/2010 10:40 AM	JPG File	1,894 KB	
	P3150013	15/03/2010 10:40 AM	AVI File	9,314 KB	
	P3150015	15/03/2010 1:30 PM	JPG File	2,764 KB	
	P3150016	15/03/2010 1:31 PM	JPG File	2,509 KB	
	P3150017	15/03/2010 1:32 PM	JPG File	2,071 KB	
	P3150018	15/03/2010 1:32 PM	JPG File	2,218 KB	
	P3150019	15/03/2010 1:32 PM	JPG File	2,467 KB	
	P3150020	15/03/2010 1:34 PM	JPG File	2,577 KB	

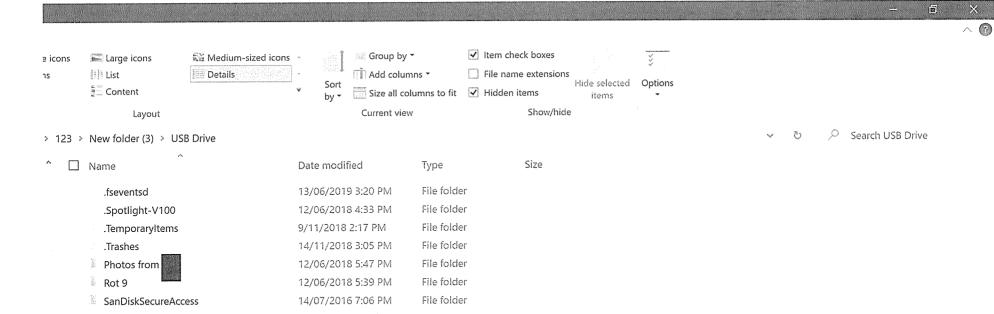


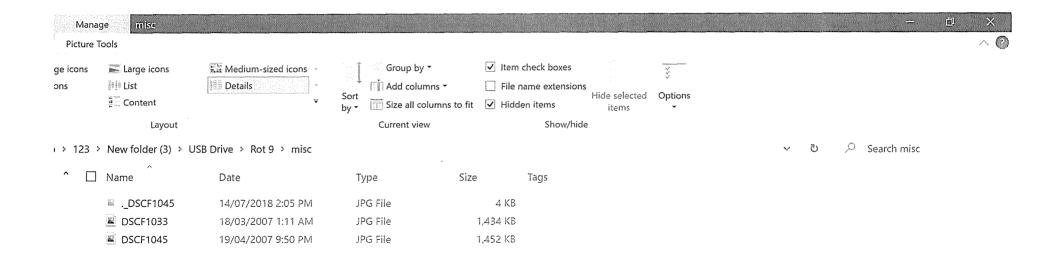


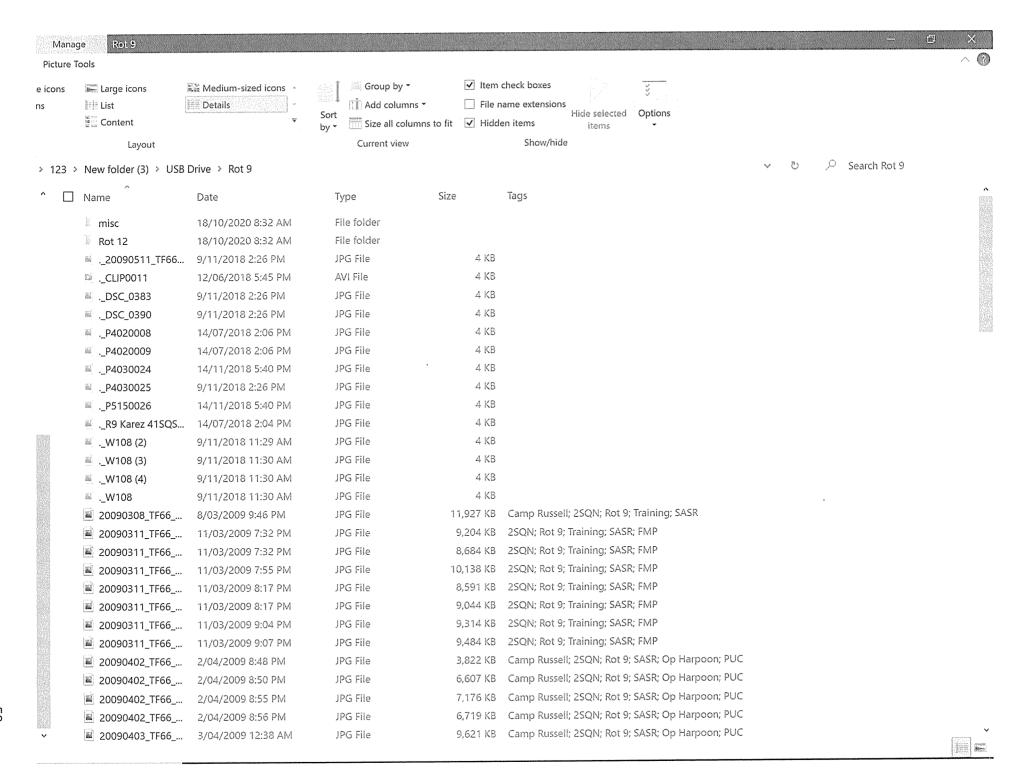
✓ Item check boxes Medium-sized icons Group by ▼ Large icons icons List Details Add columns * File name extensions Hide selected Options Sort Content Size all columns to fit ✓ Hidden items items Show/hide Layout Current view Search USB Drive 123 > New folder (2) > USB Drive .fseventsd .Spotlight-V100 _Investigation - v1.1 (1) Investigation - v1.1 (1)

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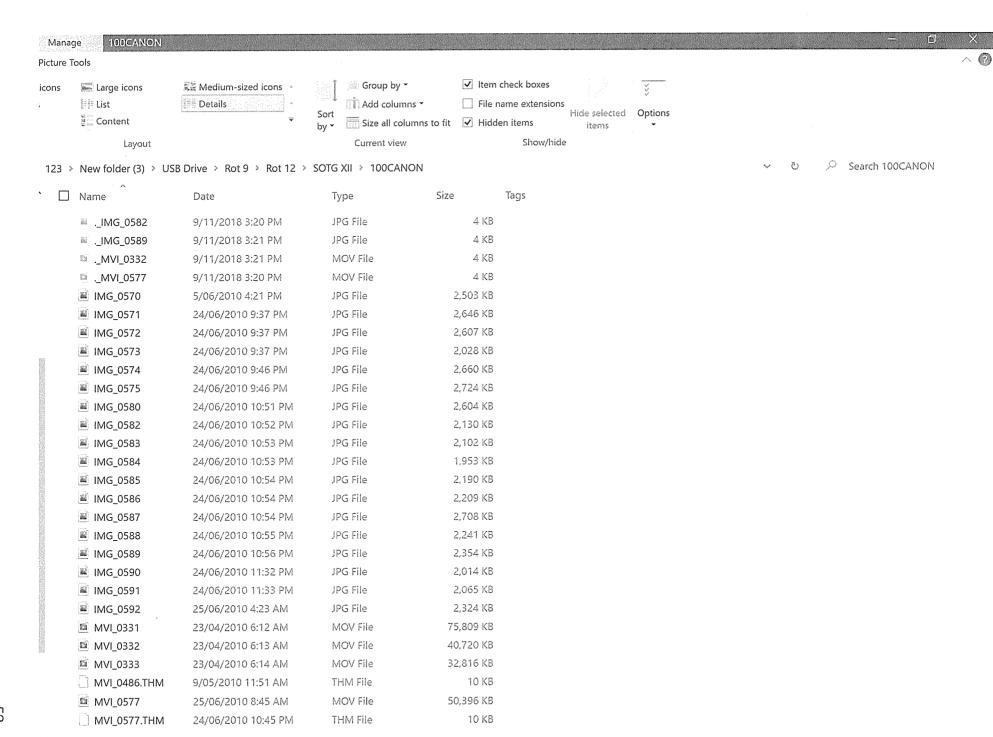


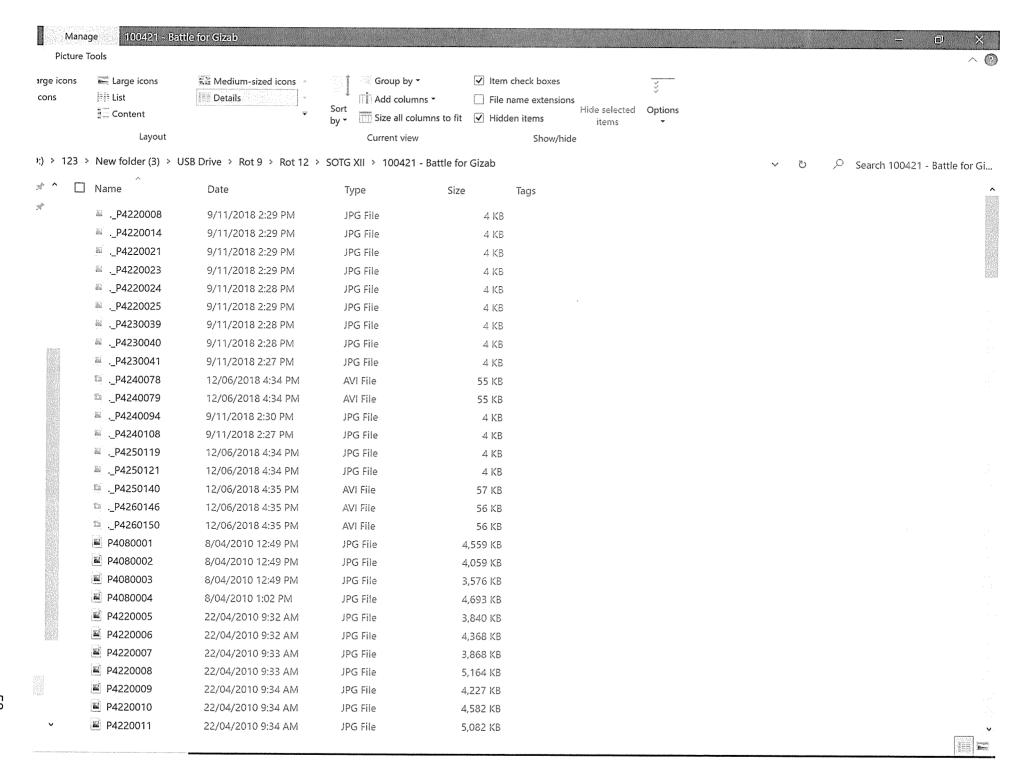


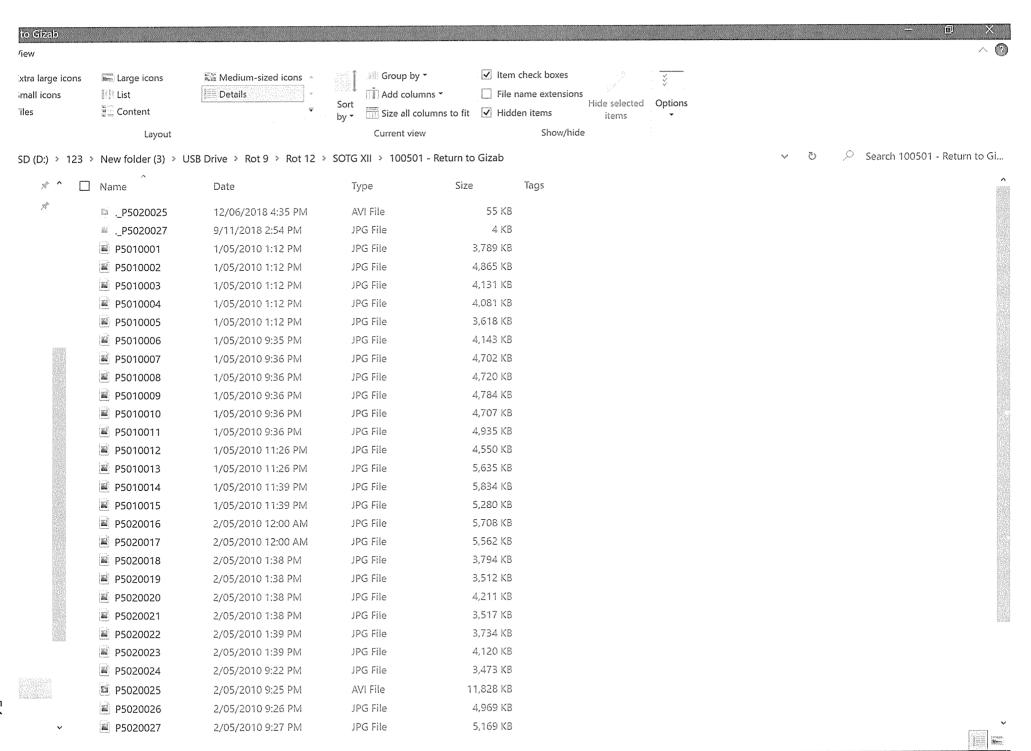


Search SOTG XII

✓ Item check boxes Group by * ae icons Large icons Medium-sized icons EEE List == Details Add columns ons File name extensions Hide selected Options Sort Content Size all columns to fit Hidden items items Layout Current view Show/hide) > 123 > New folder (3) > USB Drive > Rot 9 > Rot 12 > SOTG XII □ Name Date modified Type Size 100CANON File folder 12/06/2018 4:38 PM 100421 - Battle for Gizab File folder 12/06/2018 4:33 PM 100501 - Return to Gizab File folder 12/06/2018 4:35 PM 100516 - SOTG XII File folder 12/06/2018 4:35 PM AdamKanKalav 12/06/2018 4:38 PM File folder CSAR 15may10 IVO Chamberack Pass 12/06/2018 4:38 PM File folder Epic 04 File folder 12/06/2018 4:38 PM Epic 05 12/06/2018 4:45 PM File folder Ghan 2010 E2 File folder 12/06/2018 4:53 PM MFF C130 Video File folder 12/06/2018 4:57 PM MFF DZ Video 12/06/2018 4:59 PM File folder Pay Nawa 12/06/2018 5:01 PM File folder Pay Nawa Again File folder 12/06/2018 5:02 PM Pti Base Marshal 12/06/2018 5:02 PM File folder Sorcnawa 12/06/2018 5:02 PM File folder File folder Spiderco Langar 12/06/2018 5:02 PM File folder SQN PHOTOS 12/06/2018 5:02 PM Sth Adam Kan Kalay with 3sqn File folder 12/06/2018 5:02 PM Sth Tizak 12/06/2018 5:02 PM File folder TAI Wildcard File folder 12/06/2018 5:03 PM VIDEO File folder 12/06/2018 5:03 PM







✓ Item check boxes ae icons Large icons Medium-sized icons Group by ₹ ElE List Details ons Add columns * File name extensions Sort Hide selected Options Content Size all columns to fit Hidden items by items Lavout Current view Show/hide) > 123 > New folder (3) > USB Drive > Rot 9 > Rot 12 > SOTG XII > 100516 - SOTG XII (2) □ Name Date Type Size Tags . P5180012 9/11/2018 2:55 PM JPG File 4 KB . P5210016 12/06/2018 4:36 PM JPG File 4 KB . P6050057 12/06/2018 4:36 PM AVI File 57 KB P6050062 12/06/2018 4:36 PM IPG File 4 KB . P6050063 12/06/2018 4:36 PM JPG File 4 KB 5 . P6050068 12/06/2018 4:36 PM AVI File 54 KB 5 . P6060101 12/06/2018 4:37 PM AVI File 57 KB . P6060102 12/06/2018 4:37 PM AVI File 55 KB . P6110112 12/06/2018 4:37 PM AVI File 52 KB 5 ._P6110113 12/06/2018 4:37 PM AVI File 57 KB . P6110115 12/06/2018 4:37 PM AVI File 57 KB . P6110116 12/06/2018 4:37 PM AVI File 57 KB . P6110117 AVI File 12/06/2018 4:37 PM 52 KB . P6110128 AVI File 12/06/2018 4:37 PM 55 KB ₩ P5160001 16/05/2010 11:16 AM JPG File 4,422 KB ₽ P5160002 16/05/2010 11:16 AM JPG File 3.951 KB P5160003 16/05/2010 11:20 AM JPG File 4.323 KB P5160004 16/05/2010 11:32 AM JPG File 5.376 KB P5160005 JPG File 16/05/2010 3:01 PM 5,432 KB P5160006 16/05/2010 3:02 PM JPG File 5,386 KB P5160007 16/05/2010 3:02 PM JPG File 5.098 KB

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Search 100516 - SOTG XII

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18/05/2010 5:34 PM

18/05/2010 5:34 PM

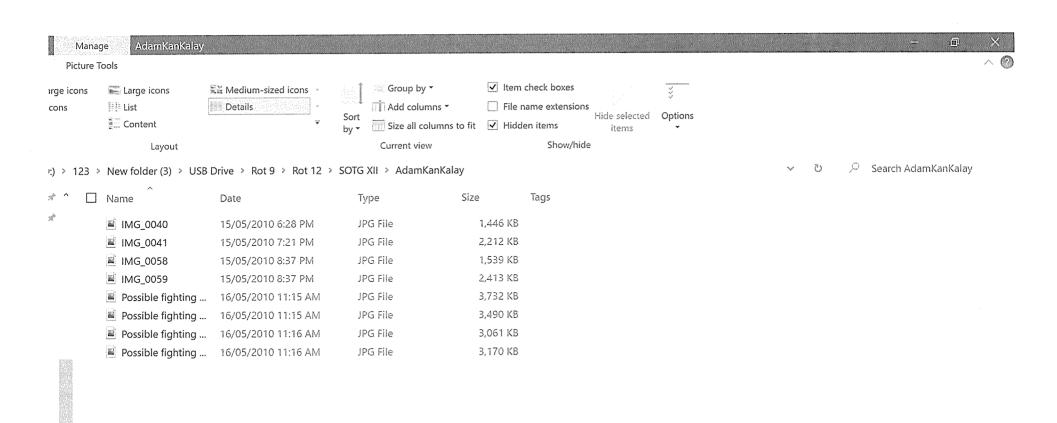
18/05/2010 5:34 PM

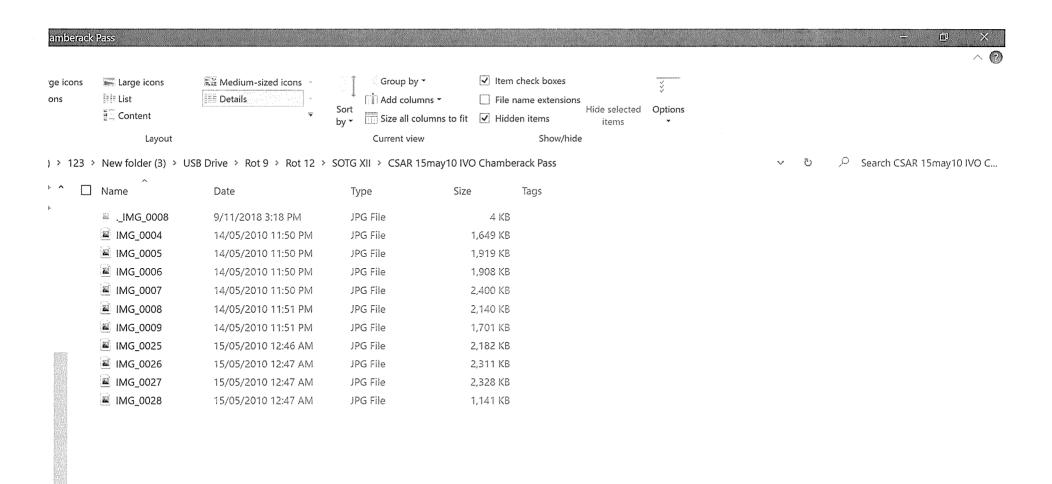
21/05/2010 1:16 AM

21/05/2010 1:16 AM

21/05/2010 1:17 AM

JPG File





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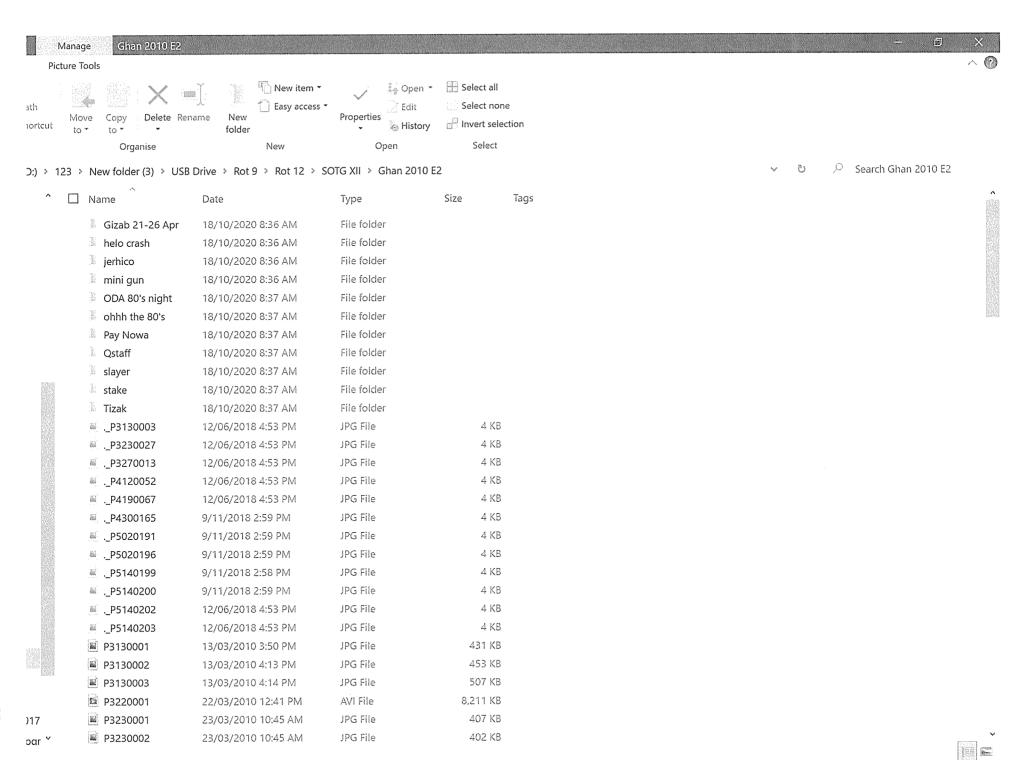
(D:) > 123 > New folder (3) > USB Drive > Rot 9 > Rot 12 > SOTG XII > Epic 04

^	Name	Date modified	Туре	Size
	2010-03-22 OH-58 Flight	12/06/2018 4:38 PM	File folder	
	3 2010-03-27 Serkay Naveh	12/06/2018 4:38 PM	File folder	
	2010-03-31 Cap Feathering Pt 1 - Mir	12/06/2018 4:39 PM	File folder	
	🎉 2010-04-08 Gun Runner Job	12/06/2018 4:39 PM	File folder	
	2010-04-19 Bachi Langar	12/06/2018 4:40 PM	File folder	
	2010-04-26 21-26 Gizab	12/06/2018 4:40 PM	File folder	
	2010-04-30 Jericho - Snatch Grab	12/06/2018 4:41 PM	File folder	
	2010-05-02 NDS Pickup	12/06/2018 4:41 PM	File folder	
	2010-05-10 8000ft OP - Spina Kala	12/06/2018 4:41 PM	File folder	
	2010-05-11 NDS PSD	12/06/2018 4:42 PM	File folder	
	2010-05-14 West Derafshan - Abdul	12/06/2018 4:42 PM	File folder	
	2010-05-15 OBJ STAKE - Barmani	12/06/2018 4:42 PM	File folder	
	2010-05-16 Chenartu Disrupt 2&3 Sqn	12/06/2018 4:43 PM	File folder	
	2010-05-20 80's NIGHT	12/06/2018 4:43 PM	File folder	
	2010-05-22 CAS training	12/06/2018 4:44 PM	File folder	
	2010-05-25 camp davis	12/06/2018 4:44 PM	File folder	
	2010-05-25 Home Brew	12/06/2018 4:44 PM	File folder	
	2010-06-04 Spyderco Take 2	12/06/2018 4:44 PM	File folder	
	2010-06-05 Takht Kalay	12/06/2018 4:44 PM	File folder	
	a 2010-06-06 Pay Naveh	12/06/2018 4:45 PM	File folder	
	🖟 2010-06-14 Pay Navah - Take 2	12/06/2018 4:45 PM	File folder	
	2010-06-22 Chopper DART - Dasht	12/06/2018 4:45 PM	File folder	

) > 1	123 >	New folder (3)	>	USB Drive	>	Rot 9	>	Rot 12 →	SOTG XII →	Epic 05
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, .	 Trem folder (6)	тот та		
^	Name	Date modified	Туре	Size
	20100305_SCUD	12/06/2018 4:45 PM	File folder	
	20100313_BALISONG	12/06/2018 4:46 PM	File folder	
	20100315_SPYDERCO	12/06/2018 4:46 PM	File folder	
	20100316_RANGE	12/06/2018 4:46 PM	File folder	
	20100323_MFF	12/06/2018 4:46 PM	File folder	
	20100326_FITICAL1	12/06/2018 4:50 PM	File folder	
	20100327_PILLUM_TAI_CRAIG	12/06/2018 4:50 PM	File folder	
	20100330_MIRABAD1	12/06/2018 4:50 PM	File folder	
	20100331_MIRABAD2	12/06/2018 4:50 PM	File folder	
	20100402_VI_GUNDEALER	12/06/2018 4:50 PM	File folder	
	20100403_TK_BAZAAR	12/06/2018 4:50 PM	File folder	
	20100406_AFS_TRG	12/06/2018 4:50 PM	File folder	
	20100412_FITICAL2	12/06/2018 4:50 PM	File folder	
	20100421_GIZAB_D1	12/06/2018 4:50 PM	File folder	
	20100422_GIZAB_D2	12/06/2018 4:51 PM	File folder	
	201 ₀ 0423_GIZAB_D3	12/06/2018 4:51 PM	File folder	
	20100424_GIZAB_D4	12/06/2018 4:51 PM	File folder	
	30100425_GIZAB_D5	12/06/2018 4:51 PM	File folder	
	20100426_GIZAB_D6	12/06/2018 4:51 PM	File folder	
	30100430_JERICHO	12/06/2018 4:51 PM	File folder	
	© 20100516_TORTAIR	12/06/2018 4:51 PM	File folder	
	20100518_ADAMKHAN_KALAY	12/06/2018 4:52 PM	File folder	
	20100520_80's_NIGHT	12/06/2018 4:52 PM	File folder	
	20100604_SPYDERCO_LILLYPAD	12/06/2018 4:52 PM	File folder	
	20100605_GAYBLOCK	12/06/2018 4:52 PM	File folder	
	20100606_CHENARTU	12/06/2018 4:52 PM	File folder	
	20100607_MIRABAD_EPIC	12/06/2018 4:52 PM	File folder	
7	20100620_LASTDAY	12/06/2018 4:52 PM	File folder	
ar 🗡	20100621_DART	12/06/2018 4:53 PM	File folder	

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D:) >	123 >	New folder (3) > USB Drive > Ro	ot 9 > Rot 12 > SOTG XII > MFF C	130 Video > 24-03-	-2010
^		Name	Date modified	Туре	Size
		_20100323201733	12/06/2018 4:58 PM	M2TS File	4 KB
		<u></u>	12/06/2018 4:58 PM	M2TS File	4 KB
		20100323202842	12/06/2018 4:58 PM	M2TS File	4 KB
		20100323205047	12/06/2018 4:58 PM	M2TS File	4 KB
		<u></u> 20100323210532	12/06/2018 4:58 PM	M2TS File	4 KB
		20100323213725	9/11/2018 2:45 PM	M2TS File	4 KB
		20100323222446	12/06/2018 4:58 PM	M2TS File	4 KB
		20100323222600	9/11/2018 2:45 PM	M2TS File	4 KB
		20100323222651	9/11/2018 2:47 PM	M2TS File	4 KB
		20100323222817	9/11/2018 2:47 PM	M2TS File	4 KB
		DSC00013	9/11/2018 2:46 PM	JPG File	4 KB
		DSC00015	12/06/2018 4:59 PM	JPG File	4 KB
		DSC00016	12/06/2018 4:59 PM	JPG File	4 KB
		DSC00017	9/11/2018 2:46 PM	JPG File	4 KB
		20100323155730	24/03/2010 3:24 PM	M2TS File	4,320 KB
		20100323155730.modd	24/03/2010 3:32 PM	MODD File	2 KB
		20100323155730.moff	24/03/2010 3:32 PM	MOFF File	43 KB
		20100323185332	24/03/2010 3:24 PM	M2TS File	30,528 KB
		20100323185332.modd	24/03/2010 3:34 PM	MODD File	4 KB
		20100323185332.moff	24/03/2010 3:34 PM	MOFF File	90 KB
		20100323185528	24/03/2010 3:25 PM	M2TS File	17,568 KB
		20100323185528.modd	24/03/2010 3:34 PM	MODD File	4 KB
		20100323185528.moff	24/03/2010 3:34 PM	MOFF File	101 KB
		20100323201733	24/03/2010 3:25 PM	M2TS File	76,608 KB
		20100323201733.modd	24/03/2010 3:35 PM	MODD File	5 KB
overtire)		20100323201733.moff	24/03/2010 3:35 PM	MOFF File	171 KB
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	DSC00327	9/11/2018 2:31 PM	JPG File	4 KB
	DSC00328	9/11/2018 2:31 PM	JPG File	4 KB
	_DSC00332	9/11/2018 2:32 PM	JPG File	4 KB
	■ DSC00085	6/06/2010 6:39 AM	JPG File	3,578 KB
	■ DSC00086	6/06/2010 6:39 AM	JPG File	3,762 KB
	■ DSC00087	6/06/2010 6:39 AM	JPG File	3,745 KB
	■ DSC00088	6/06/2010 6:40 AM	JPG File	3,706 KB
	■ DSC00089	6/06/2010 6:40 AM	JPG File	3,636 KB
	■ DSC00090	6/06/2010 6:40 AM	JPG File	3,655 KB
	■ DSC00091	6/06/2010 6:40 AM	JPG File	3,637 KB
	■ DSC00092	6/06/2010 6:40 AM	JPG File	3,663 KB
	DSC00093	6/06/2010 6:40 AM	JPG File	3,746 KB
	■ DSC00094	6/06/2010 6:40 AM	JPG File	3,750 KB
	■ DSC00095	6/06/2010 6:40 AM	JPG File	3,523 KB
	■ DSC00096	6/06/2010 6:41 AM	JPG File	3,719 KB
	DSC00101	6/06/2010 6:43 AM	JPG File	3,543 KB
	■ DSC00122	6/06/2010 7:30 AM	JPG File	3,576 KB
	☑ DSC00123	6/06/2010 7:31 AM	JPG File	3,537 KB
	■ DSC00124	6/06/2010 7:31 AM	JPG File	3,688 KB
	DSC00126	6/06/2010 7:32 AM	JPG File	3,633 KB
	■ DSC00127	6/06/2010 7:32 AM	JPG File	3,548 KB
	■ DSC00318	6/06/2010 7:22 AM	JPG File	3,692 KB
	■ DSC00319	6/06/2010 7:23 AM	JPG File	3,628 KB
	■ DSC00320	6/06/2010 7:24 AM	JPG File	3,615 KB
	DSC00321	6/06/2010 7:24 AM	JPG File	3,497 KB
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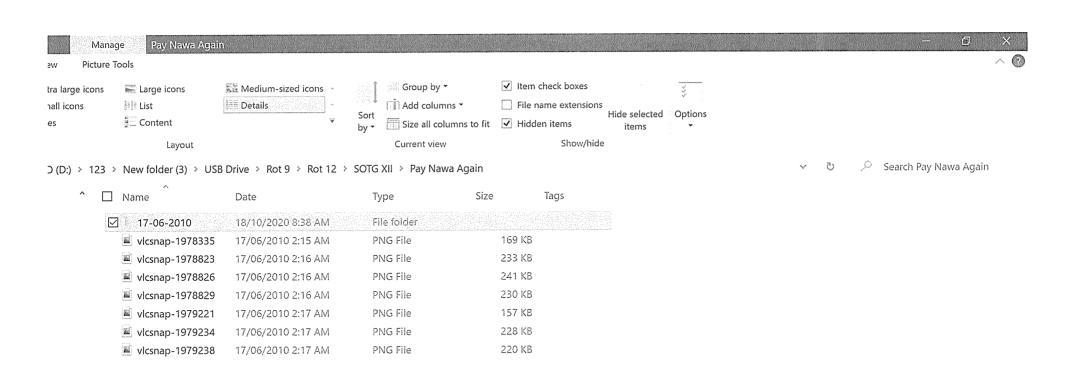
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20100608_TF66	14/07/2018 2:08 PM	JPG File	4 KB	
20100608_TF66	12/06/2018 5:02 PM	JPG File	4 KB	
20100608_TF66	14/07/2018 2:08 PM	JPG File	4 KB	
20100608_TF66	14/07/2018 2:07 PM	JPG File	4 KB	
20100608_TF66	8/06/2010 10:59 AM	JPG File	3,932 KB	WHO; SOTG
20100608_TF66	8/06/2010 11:09 AM	JPG File	6,385 KB	WHO; SOTG
20100608_TF66	8/06/2010 11:09 AM	JPG File	6,158 KB	WHO; SOTG
20100608_TF66	8/06/2010 11:10 AM	JPG File	6,301 KB	WHO; SOTG
20100608_TF66	8/06/2010 11:10 AM	JPG File	5,742 KB	WHO; SOTG
20100608_TF66	8/06/2010 11:10 AM	JPG File	6,631 KB	WHO; SOTG
20100608_TF66	8/06/2010 11:10 AM	JPG File	5,455 KB	WHO; SOTG
20100608_TF66	8/06/2010 10:56 AM	JPG File	5,846 KB	WHO; SOTG
20100608_TF66	8/06/2010 10:56 AM	JPG File	5,165 KB	WHO; SOTG
20100608_TF66	8/06/2010 10:56 AM	JPG File	4,612 KB	WHO; SOTG
20100608_TF66	8/06/2010 11:09 AM	JPG File	6,446 KB	WHO; SOTG
≥ 20100608_TF66	8/06/2010 11:09 AM	JPG File	6,421 KB	WHO; SOTG
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20100608_TF66	8/06/2010 11:09 AM	JPG File	6,416 KB	WHO; SOTG
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20100608_TF66	8/06/2010 11:09 AM	JPG File	6,288 KB	WHO; SOTG
20100608_TF66	8/06/2010 10:49 AM	JPG File	3,972 KB	WHO; SOTG
20100608_TF66	8/06/2010 10:53 AM	JPG File	6,089 KB	WHO; SOTG
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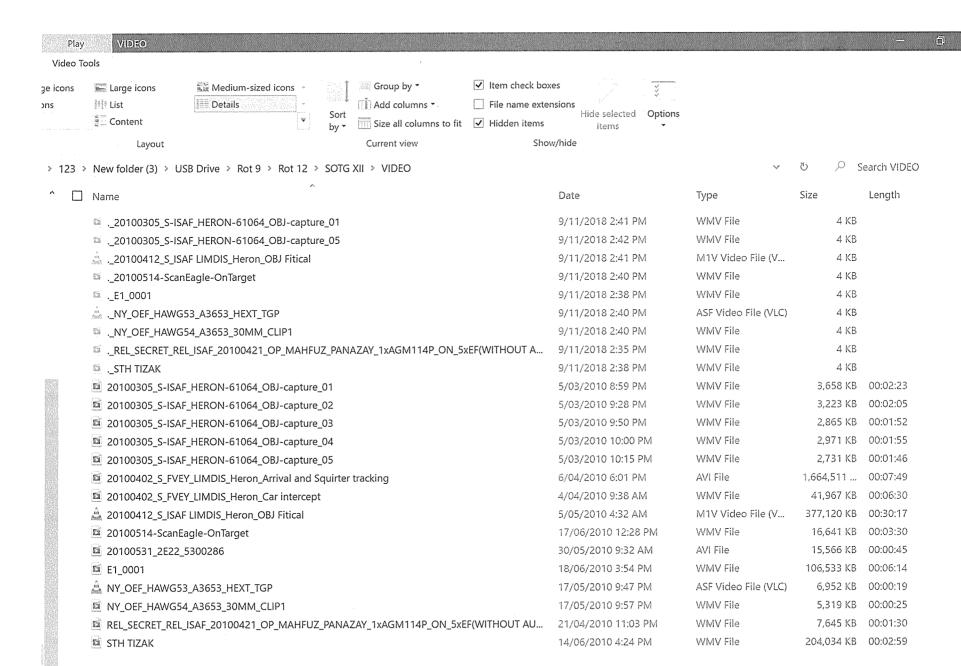
Name	Date	Туре	Size Tags
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20090611_2EB	13/06/2019 3:28 PM	JPG File	4 KB
20090611_2EB	12/06/2018 5:02 PM	JPG File	4 KB
	13/06/2019 3:29 PM	JPG File	4 KB
20090611_2EB	12/06/2018 5:02 PM	JPG File	4 KB
20090611_2EB	13/06/2019 3:30 PM	JPG File	4 KB
20100612_TF66	12/06/2018 5:02 PM	JPG File	4 KB
STH TIZAK	9/11/2018 2:33 PM	WMV File	4 KB
vlcsnap-1486757	12/06/2018 5:03 PM	PNG File	4 KB
20090611_2EB_0	11/06/2009 5:40 PM	JPG File	3,628 KB
20090611_2EB_0	11/06/2009 6:33 PM	JPG File	3,610 KB
20090611_2EB_0	11/06/2009 6:34 PM	JPG File	3,674 KB
20090611_2EB_0	11/06/2009 6:34 PM	JPG File	3,624 KB
20090611_2EB_0	11/06/2009 6:34 PM	JPG File	3,605 KB
20090611_2EB_0	11/06/2009 6:34 PM	JPG File	3,635 KB
20100612_TF66	12/06/2010 1:09 PM	JPG File	157 KB
STH TIZAK	14/06/2010 7:54 PM	WMV File	204,034 KB
vlcsnap-1486729	20/06/2010 6:03 PM	PNG File	500 KB

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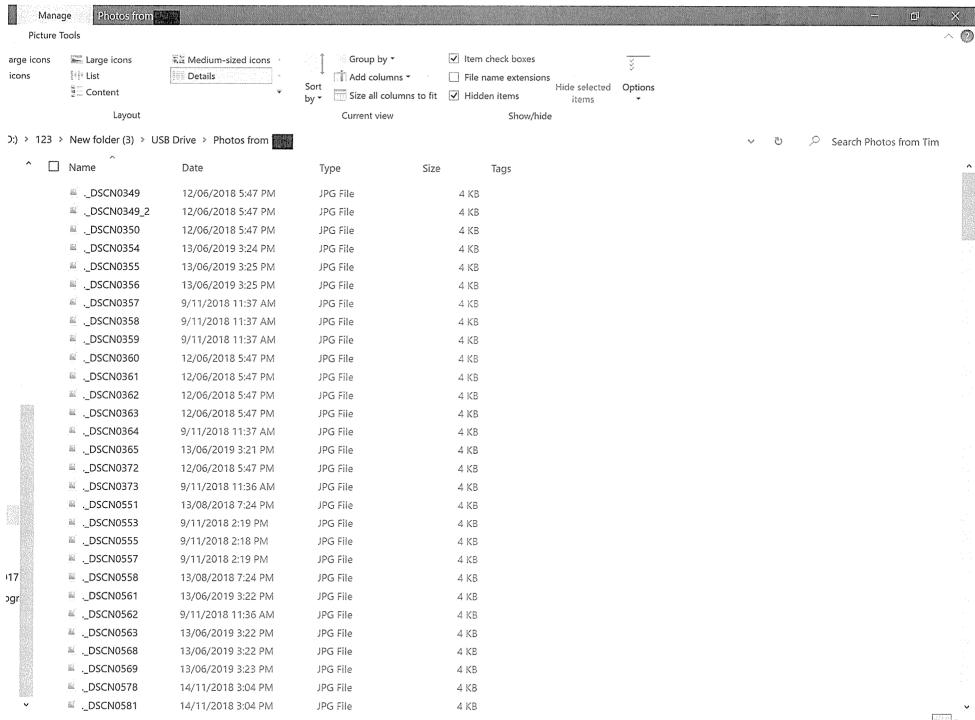
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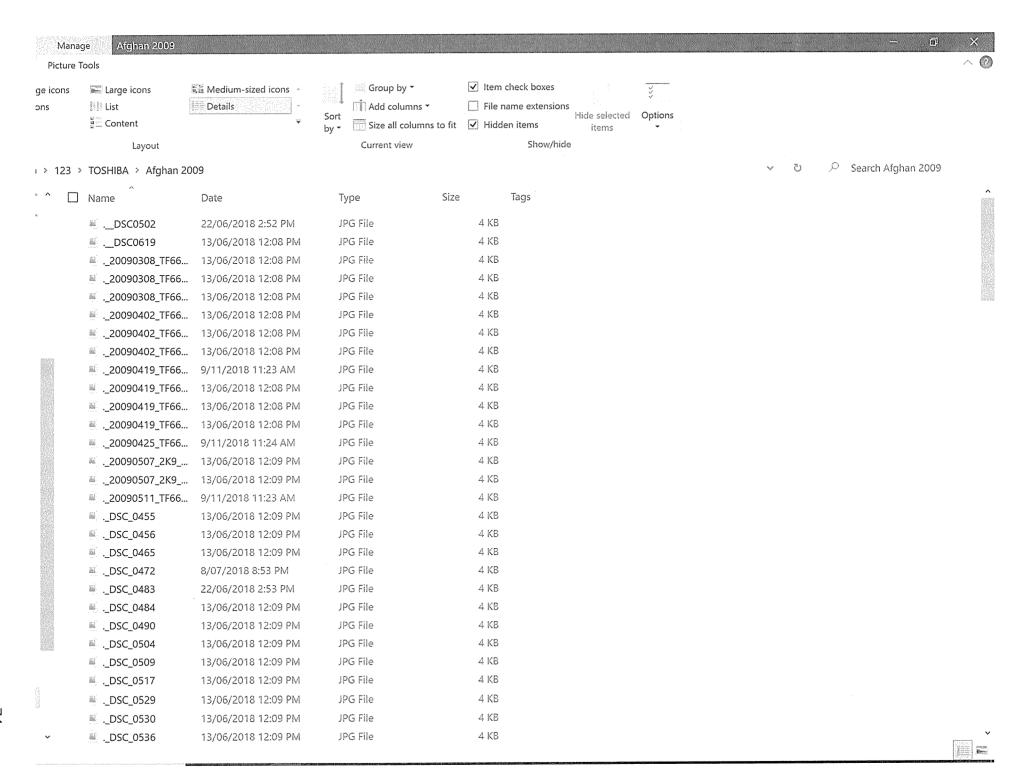
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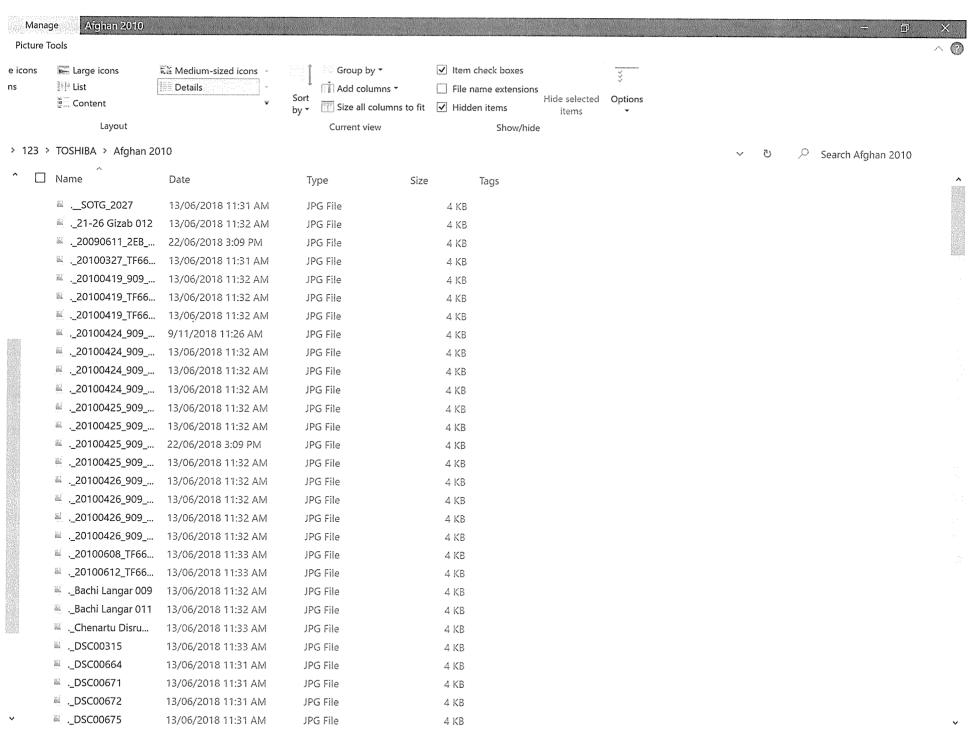
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■ DSC00052	5/06/2010 6:07 AM	JPG File	3,650 KB	
■ DSC00053	5/06/2010 6:08 AM	JPG File	1,417 KB	
DSC00054	5/06/2010 6:09 AM	JPG File	1,251 KB	
■ DSC00068	5/06/2010 7:02 AM	JPG File	3,699 KB	
■ DSC00069	5/06/2010 7:02 AM	JPG File	3,718 KB	
■ DSC00070	5/06/2010 7:02 AM	JPG File	3,664 KB	
■ DSC00071	5/06/2010 7:03 AM	JPG File	3,723 KB	
■ DSC00072	5/06/2010 7:03 AM	JPG File	3,707 KB	
■ DSC00073	5/06/2010 7:03 AM	JPG File	3,749 KB	
■ DSC00074	5/06/2010 7:03 AM	JPG File	3,681 KB	
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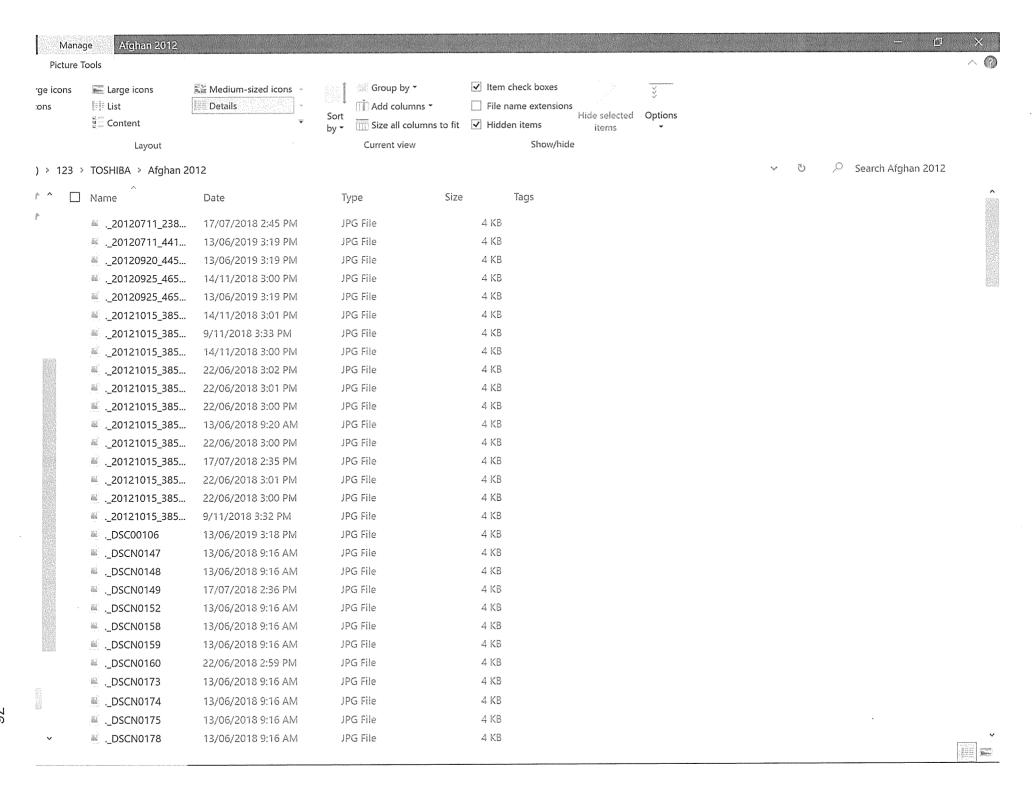


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	Afghan 2012	18/10/2020 8:28 AM	File folder	
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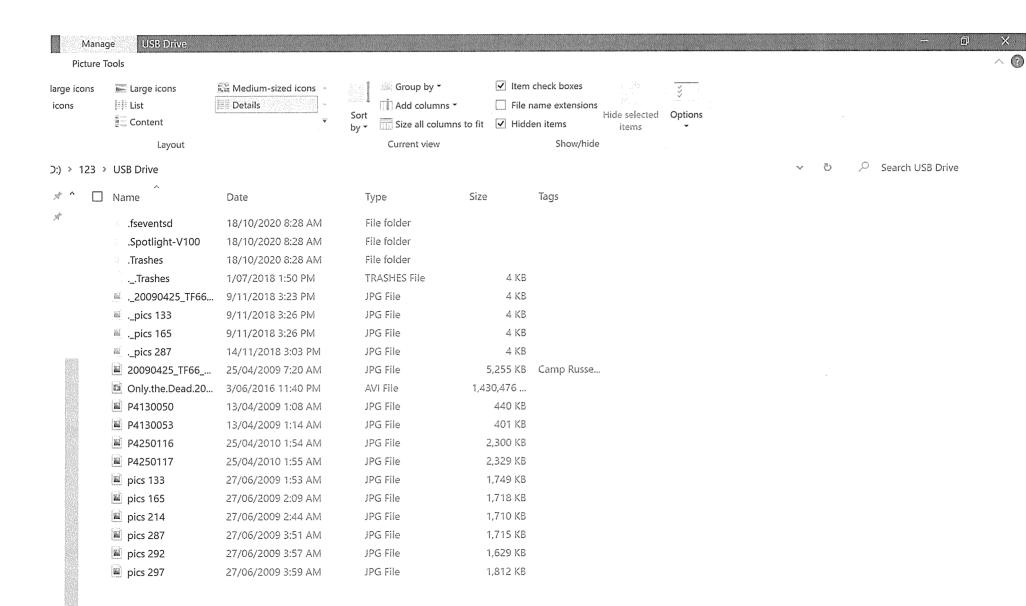
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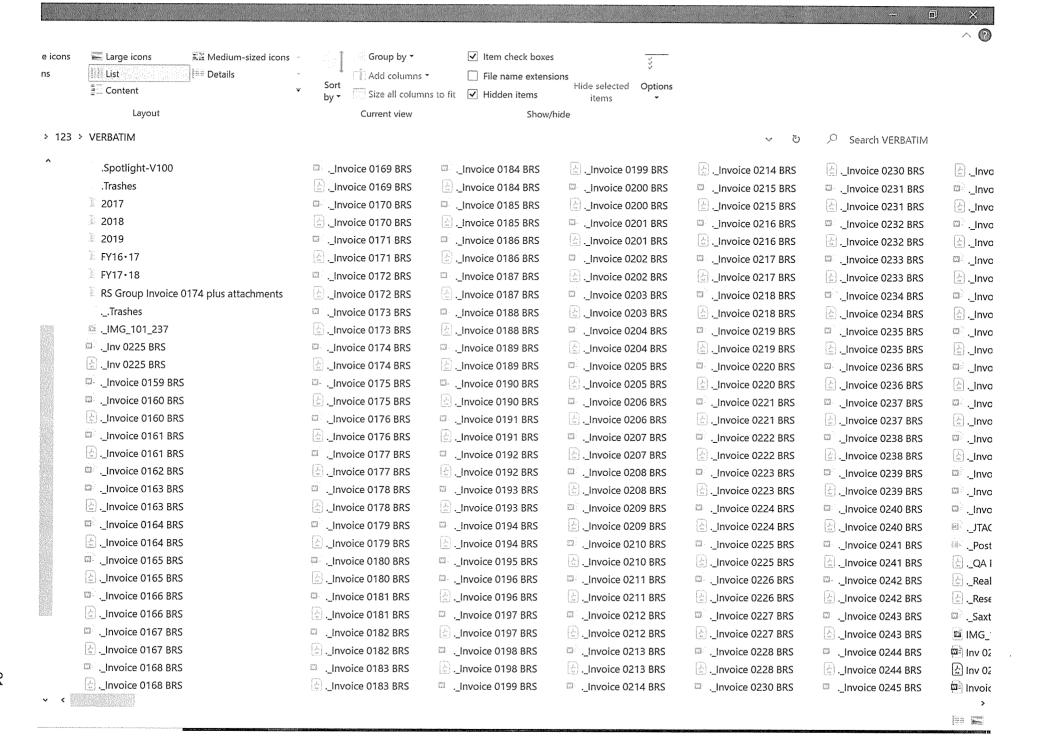
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 - Invoice List 2015
 - Invoice Template RS Group
 - Invoice Template 2014
 - JTAC MISREP W0108 F-18
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USB Drive
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Annexure Certificate

No. NSD1485/2018 NSD1486/2018 NSD1487/2018

Federal Court of Australia
District Registry: New South
Wales Division: General

Ben Roberts-Smith

Applicant

Fairfax Media Publications Pty Limited and others

Respondents

This is the annexure **PLB-8** referred to in the Affidavit of Peter Llewellyn Bartlett affirmed on 22 April 2021.

DYLAN DEXTER

of 447 Collins Street, Melbourne
An Australian Legal Practitioner
within the meaning of the Legal
Profession Uniform Law (Victoria)

Marthe to

ME_183078226_1



ABN 86 002 421 123

Level 19, 68 Pitt Street Sydney NSW 2000 Australia

Our Ref: MOBL 283 Your Ref: PLB 1183220

6 April 2021

Mr. Peter Bartlett Minter Ellison Collins Arch, 447 Collins Street MELBOURNE VIC 3000

By Email: Peter.Bartlett@minterellision.com

Dear Colleagues

Ben Roberts-Smith VC MG v Fairfax Media Publications Pty Ltd & Ors Federal Court of Australia Proceedings No. NSD 1485, 1486 and 1487 of 2018

We refer to the Amended Interlocutory Application which we assume you will seek to file in Court at the hearing on 7 April 2021 together with the unsworn affidavit of Mr Bartlett which annexes a document that purports to be an outline of evidence of Mr McLeod. We note that this material was served on Thursday, 1 April 2021 at 9.46pm.

In order to avoid an unnecessary and time-consuming argument concerning the proposed order 4 that is sought in the Amended Interlocutory Application, our client proposes that the Court make the following orders instead of the order which you propose:

- 1. A subpoena be issued to Mr McLeod to give evidence at the hearing;
- 2. Mr McLeod be directed to swear or affirm an affidavit by 2pm on Friday 9 April 2021 dealing with the matters referred to in the outline of evidence served by the Respondents on 1 April 2021, including an account of what Mr McLeod allegedly did with one of the envelopes as referred to in paragraph 10 of that outline;
- 3. Mr McLeod be directed to provide the affidavit referred to in order 2 above, to the solicitors acting for the Respondents by 3pm on Friday 9 April 2021;
- 4. The Respondents be directed to file and serve the affidavit of Mr McLeod by 4pm on Friday 9 April 2021;

- 5. If there is an objection to compliance with order 2 above by Mr McLeod, Mr McLeod is granted leave to serve the grounds of objection in a sworn affidavit on the Chambers of Justice Besanko (limited to 2 pages) by 2pm on Friday 9 April 2021; and
- 6. In the event that there is an objection to compliance with order 2 above by Mr McLeod, the matter be listed for hearing on Monday 12 April 2021 at 4.30pm ACST in order for the Court to hear any argument as to whether it should make an order pursuant to s.128 of the *Evidence Act 1995* (Cth) in relation to the affidavit or parts of the affidavit which Mr McLeod has been ordered to swear or affirm.

The rationale for the orders

As you would appreciate, the purported outline of Mr McLeod is general and vague. In order for our client not to be potentially prejudiced at trial by the late service of this outline in circumstances where it does not particularise any allegation against our client, it is our view that the orders proposed by us will ameliorate such prejudice. We have drafted an order with a level of specificity in order to ensure that Mr McLeod is able to receive the benefit of the protection afforded by s.128 of the *Evidence Act* 1995 (Cth).

As the order is directed to Mr McLeod, and because of what Mr Bartlett has asserted in the unsworn affidavit, it is our view that Mr McLeod and his barrister should be heard on this application. Accordingly, could you please provide us with the name of the solicitor and/or barrister acting for Mr McLeod as a matter of urgency so that we can put them on notice as to the order that we seek.

Could you please inform us by 4pm today whether you oppose the orders being made and if so, the basis of the opposition.

The outline of evidence of Mr McLeod

We also put you on notice that we will object to Mr Bartlett's affidavit being read in a manner that purports to facilitate the tender of Mr McLeod's unsworn outline on any interlocutory application. It is entirely inappropriate and prejudicial for such unsworn and untested material to be introduced into evidence on an interlocutory application. We would suggest that it be marked as an MFI on the basis that it is not to be released publicly.

We look forward to hearing from you by 4pm today.

Yours faithfully

Mark O'Brien

Principal

T+61 2 9216 9828

M +61 412 637 304

E mark.obrien@markobrienlegal.com.au