

## NOTICE OF MOTION

### COURT DETAILS

Court	Supreme Court of NSW
Division	Common Law
List	Common Law General
Registry	Sydney
Case number	2022/214157

### TITLE OF PROCEEDINGS

Plaintiff	<b>Raya Meredith</b>
Defendant	<b>State of New South Wales</b>

### FILING DETAILS

Person seeking orders	<b>Raya Meredith, Plaintiff</b>
Filed in relation to	Plaintiff's Claim
Legal representative	Rory Walsh, Slater and Gordon Lawyers
Legal representative reference	M616559
Contact name and telephone	Rory Walsh (03) 8539 8362
Contact email	<a href="mailto:rory.walsh@slatergordon.com.au">rory.walsh@slatergordon.com.au</a>

### PERSON AFFECTED BY ORDERS SOUGHT

**State of New South Wales, Defendant**

### HEARING DETAILS

This motion is listed at

## ORDERS SOUGHT

### *Plaintiff's request for further and better particulars of the defence*

- 1 On or before 10 January 2023, the defendant provide further and better particulars of the following in the Defence to the Further Amended Statement of Claim filed 26 May 2023:
- a. 'positive indication' appearing at paragraph 26(a), by stating the intended definition of the term 'positive indication' and/or what physical acts are said to have constituted the positive indication given by Seeby;
  - b. at particular (vi) to paragraph 27(h), the effect of the information provided by the drug dog handler about the plaintiff's interaction with police;
  - c. at particular (iv) to paragraph 31(e), the effect of the information supplied by other officers who had interacted with the plaintiff; and
  - d. 'any further admissions made by [the plaintiff] during the ordinary search' appearing at particular (i) to 39(a), by advising whether or not any further admissions are said to have been made by the plaintiff during the ordinary search and the effect of those admissions.

### *Discovery*

- 2 Discovery produced after the date of this order in the proceeding is to be produced in accordance with the agreed Document Management Protocol at **Exhibit RJW1** page 14 to 27 to the Affidavit of Rory John Walsh dated 5 December 2023 (**DMP**).
- 3 On or before 20 December 2023, the defendant produce copies of the documents comprising extracts of Police Force Handbooks or Police Code of Practice for Crime referred to in Annexure A of the letter from Makinson d'Apice dated 30 November 2023 in compliance with the DMP.
- 4 On or before 20 December 2023, the defendant re-produce copies of the documents produced under Category 9 and listed in the enclosure to the Plaintiff's letter dated 31 October 2023, in their original native formats and in accordance with the DMP.
- 5 On or before 20 December 2023, the defendant confirm to the plaintiff whether all or some of the following information has been provided by way of discovery and identify that information by reference to document ID:
- a. the records and documents provided by NSW Police to the Law Enforcement Conduct Commission referred to in their report of September 2023 publishing

findings of their review of New South Wales Police strip search records in 2021 and 2022; and

- b. the drug dog detection data provided to a Member of Parliament referred to in the Sydney Morning Herald article “Drug-detection dogs are wrong more than right, data reveals” dated 26 September 2023

6 On or before 20 December 2023, the defendant respond to the plaintiff’s following queries regarding the defendant’s supplementary production received on 17 November 2023 (the ‘supplementary production’):

- a. why these documents were missed from the defendant’s original discovery;
- b. how it is that the defendant has now identified these documents were missed from its discovery; and
- c. whether the defendant is reasonably confident that there are not further such documents missing from the defendant’s discovery and on what basis.

7 On or before 20 December 2023, the defendant re-produce copies of the supplementary production in a form compliant with the DMP.

8 On or before 20 December 2023, the defendant identify to the plaintiff whether the text obstructed by paper on the following documents is an error or purported redaction, and if a redaction, the basis of that redaction:

- a. NSW.0001.0001.1324;
- b. NSW.0001.0001.1366;
- c. NSW.0001.0001.2695;
- d. NSW.0001.0001.3094;
- e. NSW.0001.0001.3113; and
- f. NSW.0001.0001.3142

*Other matters*

9 The defendant pay the plaintiff’s costs of and incidental to this Notice of Motion.

**SIGNATURE**

Signature of legal representative



Capacity

Solicitor

Date of signature

5 December 2023

**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**

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