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Our ref MS:5263490

11 July 2023

Stephen Coyle
HWL Ebsworth
HWL Ebsworth Building
6 National Circuit
BARTON ACT 2600

Dear Mr Coyle

**Bruce Lehrmann v Network Ten Pty Limited & Anor - Subpoena to produce documents
Federal Court of Australia Proceedings No. NSD 103 of 2023**

We refer to the subpoena to produce documents issued to the Department of Parliamentary Services (**DPS**) on 28 June 2023 (**Subpoena**) and the orders of his Honour Justice Lee made in these proceedings on 7 July 2023.

At the case management hearing on 7 July 2023, we note that you indicated to the Court that the material produced did not respond to all categories in the Subpoena. We understand that the documents produced responded to category 4 of the subpoena only.

Pursuant to the orders made on 7 July 2023, we are required to notify the legal representative of a subpoenaed party in respect of which we intend to make an application to examine by 10.15am on 12 July 2023.

It is our understanding that:

- 1 There was footage captured by the cameras referred to in each of categories 1-3 of the Subpoena that would have been caught by those categories (**Footage**);
- 2 The Footage is no longer available;
- 3 The reason the Footage is no longer available is because it was not quarantined and it was overwritten;
- 4 Representatives of the DPS conducted server checks to see if the Footage could be located, but they could not find anything; and
- 5 There are no documents to produce in response to categories 1-3 of the Subpoena because the Footage was not quarantined and it was overwritten.

We would be grateful if you could confirm that our understanding as set out above is correct, and if so please advise when the Footage was overwritten.

If our understanding is correct, we advise that we will not require any representative of the DPS to attend for examination at the forthcoming case management hearing on 17 July 2023.

We would be grateful to receive a response by **9.45am tomorrow** (12 July 2023)

Yours sincerely



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Partner

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