

**TELECOM CORPORATE SOLICITORS OFFICE
LEGAL SUPPORT SERVICES**

**7TH FLOOR 470 COLLINS STREET
MELBOURNE 3000 AUSTRALIA**

FAX NO: (03) 614 7166

TELEPHONE: (03) 606 8007

FAX OPERATOR: (03) 606 5431

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C04550

DATE: 2 November, 1990

RECIPIENT: TELECOM BUSINESS TERMINALS.

ATTENTION: MR 1

FAX NO: (03) 642 0091

FROM:

RE: TELECOM V GOLDEN MESSENGER LEGAL PROCEEDINGS

If you do not receive all pages please telephone (03) 606 5431

COMMENTS:

PETER,

**AS DISCUSSED, THE FOLLOWING COMMENTS ARE OFFERED TO ASSIST
YOUR BRIEFING OF :**

- (1) AT THIS MORNING'S DIRECTIONS HEARING IN THE FEDERAL
COURT THE MATTER WAS STOOD OVER UNTIL THE 7TH DECEMBER
1990. THIS WAS AGREED TO BY BOTH PARTIES.**
- (2) BETWEEN NOW AND THE 7TH DEC. TELECOM WILL BE REQUIRED
TO FINALISE THE DISCOVERY OF DOCUMENTS RELEVANT TO THE
PROCEEDINGS.**
- (3) TELECOM WILL ALSO NEED TO INSPECT ANY DOCUMENTS LODGED
BY GOLDEN MESSENGER AS PART OF ITS (GM'S) DISCOVERY
OBLIGATIONS**

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(4) TELECOM NEEDS TO EXAMINE THOSE DOCUMENTS PERTAINING TO THE TESTS CARRIED OUT ON NORTH MELB. EXCHANGE TO DETERMINE IF ANY OF THOSE DOCUMENTS HAVE BEEN GENERATED AS A RESULT OF AN "INTERCEPTION". IF SO, THEN TELECOM WILL BE PRECLUDED FROM DISCLOSING THEM UNDER THE DISCOVERY PROCESS. I INTEND TO ASK MR [REDACTED] OF NETWORK INVESTIGATIONS TO UNDERTAKE THIS TASK.

(5) THE AUSTRALIAN GOVERNMENT SOLICITOR, ON BEHALF OF TELECOM, HAS WRITTEN TO THE SOLICITORS ACTING FOR GOLDEN MESSENGER SEEKING THEIR UNDERTAKING NOT TO DISCLOSE TO THEIR CLIENT OR OTHERS THE CONTENTS OF THE REPORT ON THE NORTH MELB. EXCHANGE. TO DATE, THERE HAS BEEN NO RESPONSE.

(6) AT THIS STAGE IT IS UNLIKELY THAT THIS CASE WILL BE HEARD BEFORE JUNE 1991.

(7) TELECOM NEEDS TO CONSIDER THE TACTICAL QUESTION AS TO HOW TO BEST PRESENT ITS EVIDENCE AT THE FINAL HEARING. THAT IS, ORALLY OR IN WRITTEN (SWORN AFFIDAVIT) FORM.

WOULD YOU PLEASE KEEP ME INFORMED AS TO ANY DEVELOPMENTS THAT MIGHT OCCUR IN FUTURE DISCUSSIONS BETWEEN TBS AND GOLDEN MESSENGER AS TO SETTLEMENT OF THIS LITIGATION.

SHOULD YOU OR FRANK HAVE ANY QUESTIONS IN RELATION TO THIS MATTER PLEASE DON'T HESITATE TO CONTACT ME ON 606 8007.

REGARDS,

MANAGER - LEGAL SUPPORT SERVICES

CO:TREVOR1:19

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