

MAKINSON d'APICE
L A W Y E R S

28 May 2024

Contact: Annabelle Serisier
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Direct Facsimile: 9233 9185
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Partner: Nicholas Regener

Our Ref: 235572:NSR:AMS

BY EMAIL ALSO: health@michellehookham.com.au

Michelle Hookham c/- The Proper Officer
Mental Health & Homeopathy
Old Hawkesbury Hospital
6 Christie Street
WINDSOR NSW 2756

Dear Sir/Madam

**Mustafa Jamnagarwalla ats Caitlin Rea
District Court of NSW Proceedings No. 2023/00209652**

We act for Dr Mustafa Jamnagarwalla, general practitioner, the defendant in these proceedings.

With this letter you will receive a Subpoena to Produce requiring you to produce to the District Court of New South Wales (**the District Court**) the items described in the Schedule relating to the plaintiff, Caitlin Nisha Rea, whose date of birth is 31 October 1996.

You must produce all of the items described. Please read the Schedule carefully to ensure you produce all relevant items. You must **not** withhold any item whatsoever regardless of whether it concerns any other court proceedings or medical conditions. You will see that the Subpoena allows you to produce copies instead of original items. Please ensure the copies are of good and readable quality. The items (whether originals or copies) must be **attached** to the Subpoena when they are sent to the Court.

Please note that, instead of attending the District Court personally on the appointed day, you may forward the items to the District Court at <https://subpoenaresponse.justice.nsw.gov.au/>, together with a copy of this Subpoena so that they reach the District Court at least 2 days before the appointed day.

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Do not send the items to us.

We **enclose** a cheque in the amount of \$30.00 by way of conduct money.

If you have any queries, please contact the writer's secretary on 02 9233 9071.

Yours sincerely

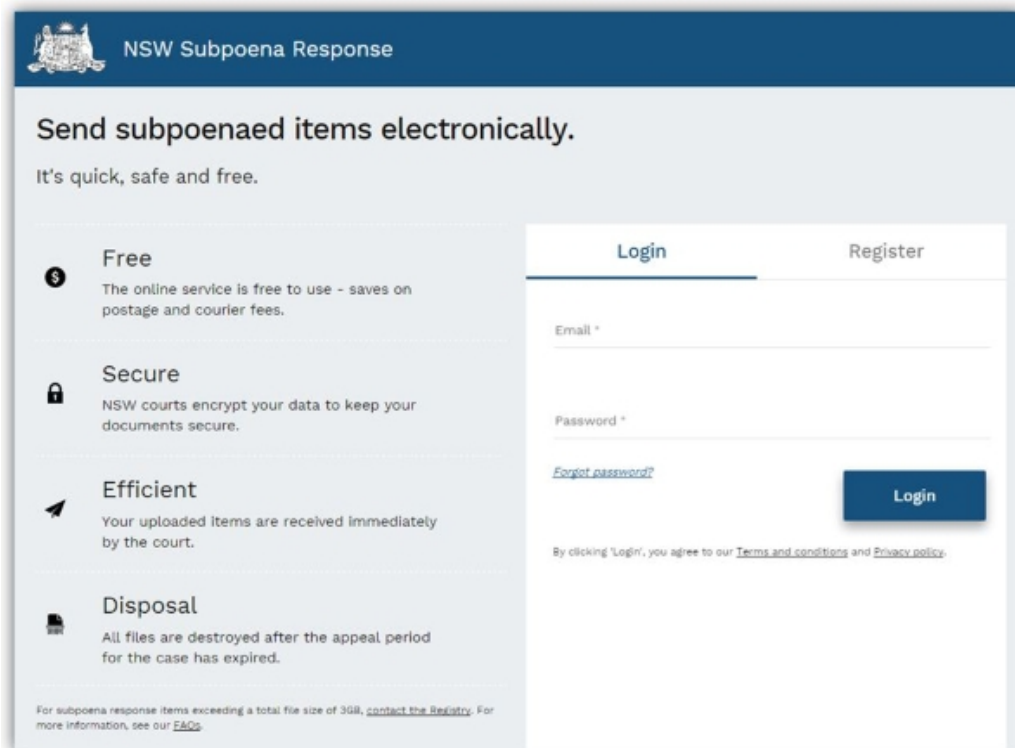
A handwritten signature in black ink, appearing to read 'Makinson d'Apice', with a stylized, cursive script.

Makinson d'Apice

Encl

Instructions for the producer to respond to subpoenas electronically:

You can now submit subpoena responses online



The screenshot shows the 'NSW Subpoena Response' website. The header features the NSW coat of arms and the title 'NSW Subpoena Response'. Below the header, a message states: 'Send subpoenaed items electronically. It's quick, safe and free.' The main content area is divided into two columns. The left column lists four benefits: 'Free' (online service is free to use), 'Secure' (data is encrypted), 'Efficient' (items are received immediately), and 'Disposal' (files are destroyed after the appeal period). The right column contains a 'Login' and 'Register' section. It has input fields for 'Email *' and 'Password *', a 'Forgot password?' link, and a 'Login' button. A disclaimer at the bottom of the right column states: 'By clicking "Login", you agree to our Terms and conditions and Privacy policy.'

<https://subpoenareponse.justice.nsw.gov.au>

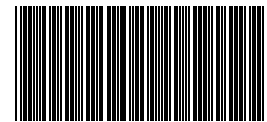
- ➔ Create an account in seconds to respond
- ➔ Support for different file types and sizes
- ➔ Email acknowledgement for all documents submitted
- ➔ Ability to indicate if you are unable to respond to request

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Filed: 28 May 2024 4:15 PM

Form 26A
UCPR 33.3



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SUBPOENA TO PRODUCE WITH EARLY RETURN DATE

COURT DETAILS

Court	District Court of NSW
List	General List
Registry	Sydney
Case number	2023/00209652

TITLE OF PROCEEDINGS

First Plaintiff	Caitlin Nisha Rea
First Defendant	Mustafa Jamnagarwalla

ISSUING DETAILS

Issued at request of	Mustafa Jamnagarwalla, Defendant 1
Legal representative	Nicholas Regener
Legal representative reference	
Telephone	9513 9587
Address for service	Level 10 135 King Street SYDNEY NSW 2001
Your reference	235572

DATE TIME AND PLACE AT WHICH YOU MUST ATTEND TO PRODUCE THE SUBPOENA OR A COPY OF IT AND DOCUMENTS OR THINGS

Refer to date, time and place in the attached subpoena.

ORDER TO THE SUBPOENA RECIPIENT

Name	Michelle Hookham c/- The Proper Officer - Michelle Hookham, Mental Health & Homeopathy
Address	Old Hawkesbury Hospital 6 Christie Street WINDSOR NSW 2756
Court Item ID	2625043

You must comply with this subpoena:

- by uploading documents at NSW Subpoena Response (<https://subpoenaresponse.justice.nsw.gov.au>).
- by attending to produce this subpoena or a copy of it and the documents or things in the

- Schedule to the place at the date and time specified in the attached subpoena
- by delivering or sending this subpoena or a copy of it and the documents or things in the Schedule to the place specified in the attached subpoena not less than 2 clear days before the date for production. (See notes 5 - 9 in the attached subpoena)

ATTACHMENT DETAILS

In accordance with Part 3 of the UCPR, this coversheet confirms that both the Subpoena for Production with early return date (e-Services), along with any other documents listed below, were filed by the Court.

Subpoena to Produce Items Before Hearing (UCPR 26A) (Jamnagarwalla_2024.05.28 - Subpoena to Produce to Michelle Hookham (dates (18657546.1).pdf)

[attach.]

Form 26A (version 4)
UCPR 33.3

SUBPOENA TO PRODUCE WITH SUBPOENA NOTICE AND DECLARATION

COURT DETAILS

Court	District Court of New South Wales
List	General
Registry	Sydney
Case number	2023/00209652

TITLE OF PROCEEDINGS

Plaintiff	CAITLIN NISHA REA
Defendant	MUSTAFA JAMNAGARWALLA

ISSUING DETAILS

Issued at request of	Mustafa Jamnagarwalla , defendant
Legal representative	Nicholas Scott Regener Makinson d'Apice Lawyers
Legal representative reference	PCN: 51528 NSW Ref: 235572:NSR:AMS Court User No: 489
Contact name and telephone	Annabelle Serisier Tel. 02 9233 7788
Contact email	aserisier@makdap.com.au
Address for service	C/- MAKINSON D'APICE LAWYERS Level 10, 135 King Street Sydney NSW 2000

ORDER TO THE SUBPOENA RECIPIENT

Name:	Michelle Hookham c/- The Proper Officer
Address:	Michelle Hookham, Mental Health & Homeopathy Old Hawkesbury Hospital 6 Christie Street WINDSOR NSW 2756

You are ordered to produce this subpoena or a copy of it and the documents or things specified in the Schedule to the court.

PROPOSED ACCESS ORDER

The plaintiff to have first access for 7 days; thereafter, in the absence of further application, access to all parties

NOTICE TO THE SUBPOENA RECIPIENT

1. Failure to comply with this subpoena without lawful excuse is a contempt of court and may result in your arrest.
2. The last day for service of this subpoena is 31 May 2024 (see note 1).
3. Please read notes 1 to 15 included in this document.
4. You must complete the Declaration appearing on the last page of this document and attach it to the subpoena or copy of the subpoena that accompanies the documents or things produced to the Court under the subpoena.

Any enquiries concerning compliance with the subpoena should be directed to the Contact person named above.

HOW TO RESPOND

You must comply with this subpoena:

- by uploading documents specified in the Schedule below to NSW Subpoena Response (<https://subpoenaresponse.justice.nsw.gov.au>) so that they are received before the time and date specified for production, or
- by attending to produce this subpoena or a copy of it and the documents or things specified in the Schedule below to the address below at the time, date and place specified for production, or
- by delivering or sending this subpoena or a copy of it and the documents or things specified in the Schedule below to the address below so that they are received not less than 2 clear days before the date specified for production. (See notes 5 - 9.)

DATE, TIME AND PLACE AT WHICH YOU MUST ATTEND TO PRODUCE THE SUBPOENA OR A COPY OF IT AND DOCUMENTS OR THINGS

Date: **Friday, 7 June 2024**

Time: **10.00am**

Place: **District Court of NSW, John Maddison Tower, 86 Goulburn Street, Sydney
NSW 2000**

ADDRESS TO WHICH THE SUBPOENA (OR COPY) AND DOCUMENTS OR THINGS MAY BE DELIVERED OR POSTED

The Registrar, District Court of NSW

Street: John Maddison Tower, 86 Goulburn Street, Sydney NSW 2000

Postal: PO Box K1026, Haymarket NSW 1240

Online: <https://subpoenaresponse.justice.nsw.gov.au/#/> (preferred)

DX: DX 11518, Sydney Downtown NSW

SCHEDULE

The documents or things you must produce are as follows:

1. A copy of this Subpoena;
2. The complete clinical file in relation to **Caitlin Nisha Rea (Date of Birth: 31 October 1996)** including but not limited to:
 - (a) clinical notes;
 - (b) treating record cards;
 - (c) counselling records;
 - (d) test/assessment papers;
 - (e) results of diagnostic tests/assessments;
 - (f) Mental Health Care Plans or any other plans completed or received;
 - (g) reports;
 - (h) referral letters
 - (i) reports from other health practitioners or hospitals;
 - (j) correspondence (including emails) and memorandum;
 - (k) any other medical records including electronic records.

Without limiting the generality of the meaning of the word "documents", where that word appears in this notice it includes letters, correspondence, electronic mails, facsimile transmissions, file notes, memoranda, accounting records, statements, order forms, invoices, receipts, drawings, plans and specifications, minutes of meetings and notes of meetings, deeds, dealings, authorities, consents and anything from which sounds, images or writings can be reproduced with or without the aid of anything else.

NOTES

Last day for service

- 1 You need not comply with the subpoena unless it is served on you on or before the date specified in the subpoena as the last date for serving the subpoena.

Informal service

- 2 Even if this subpoena has not been served personally on you in accordance with the rules, you must, nevertheless, comply with its requirements, if you have, by the last date for service of the subpoena, actual knowledge of the subpoena and of its requirements.

Addressee a corporation

- 3 If the subpoena is addressed to a corporation, the corporation must comply with the subpoena by its appropriate or proper officer.

Conduct money

- 4 You need not comply with the subpoena in so far as it requires you to attend to give evidence unless conduct money sufficient to meet your reasonable expenses of attending as required by the subpoena is handed or tendered to you a reasonable time before the date on which your attendance is required.

Production of subpoena or copy of it and documents or things by delivery or post

- 5 In so far as this subpoena requires production of the subpoena or a copy of it and a document or thing, instead of attending to produce the subpoena or a copy of it and the document or thing, you may comply with the subpoena by delivering or sending the subpoena or a copy of it and the document or thing to the Registrar at the address specified in the subpoena for the purpose, or if more than one address is so specified, to any one of those addresses, so that they are received not less than 2 clear days before the date specified in the subpoena for attendance and production.
- 6 If you object to a document or thing produced in response to this subpoena being inspected by a party to the proceeding or any other person, you must, at the time of production, notify the registrar in writing of your objection and of the grounds of your objection.
- 7 Unless the court otherwise orders, if you do not object to a document or thing produced by you in response to the subpoena being inspected by any party to the proceeding, the registrar may permit the parties to the proceeding to inspect the document or thing.

Production of a number of documents or things

- 8 If you produce more than one document or thing, you must, if requested by the registrar, produce a list of the documents or things produced.

Production of copy instead of original

- 9 If the subpoena requires you to produce a document, you may produce a copy of the document unless the subpoena specifically requires you to produce the original.
- 9A The copy of a document may be:
 - (a) a photocopy; or
 - (b) in any electronic form that the issuing party has indicated will be acceptable.
- 10 You must complete the Declaration appearing on the last page of this document and attach it to the subpoena or copy of the subpoena that accompanies the documents or things produced to the Court under the subpoena.

- 11 If you declare that the material you produce is copies of documents, the Registrar may, without further notice to you, destroy the copies after the expiry of a period of four months from the conclusion of the proceeding or, if the documents become exhibits in the proceeding, when they are no longer required in connection with the proceeding, including on any appeal.
- 12 If the material you produce to the Court is or includes any original document, the Court will return all of the material to you at the address specified by you in the Declaration below.

Applications in relation to subpoena

- 13 You have the right to apply to the Court:
 - (a) for an order setting aside the subpoena (or a part of it) or for relief in respect of the subpoena, and
 - (b) for an order with respect to your claim for privilege, public interest immunity or confidentiality in relation to any document or thing the subject of the subpoena.

Loss or expense of compliance

- 14 If you are not a party to the proceeding, you may apply to the court for an order that the issuing party pay an amount (in addition to conduct money and any witness's expenses) in respect of the loss or expense, including legal costs, reasonably incurred in complying with the subpoena.

Failure to comply with subpoena – arrest

- 15 Failure to comply with a subpoena without lawful excuse:
 - (a) is a contempt of court and may be dealt with accordingly.
 - (b) may lead to your arrest under section 97 Civil Procedure Act or under rules of the court to enforce compliance with a subpoena.

DECLARATION BY SUBPOENA RECIPIENT

[Tick the relevant option below, (provide your address as appropriate), sign and date]

- ☐ **All** of the material I am providing to the Court in compliance with the attached subpoena is copies of documents. I acknowledge that the Court will destroy the copies once they are no longer required, without further notice to me.
- ☐ **Some or all** of the material I am providing to the Court in compliance with the attached subpoena is an original document. Once the material is no longer required, all of the material should be returned to me at the following address:

Address at which produced items
should be returned (if applicable)

Signature of subpoena recipient

Name of subpoena recipient

Date of signature
