



Stephen Cooke &lt;stephencooke.c@gmail.com&gt;

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## Cooke - Subpoenas and Family Report

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Avalon Carnall &lt;acarnall@ramsdenlaw.com.au&gt;

Thu, Oct 10, 2024 at 10:59 AM

To: "Mr Stephen Christopher Cooke (Client)" &lt;stephencooke.c@gmail.com&gt;

Cc: Matthew Shepherd &lt;mshpherd@ramsdenlaw.com.au&gt;

Dear Stephen,

### 1. Subpoenas

Heather has this morning filed four subpoenas to the below entities (**attached**):

1. Pillar Allied Heath – for records related to the boys;
2. Merewether Heights OOSH – for attendance records and notes related to the boys;
3. Merewether Heights Public School – for detailed records related to the boys; and
4. Atune Health Centre – for all records related to yourself.

It is likely that Heather will seek that the subpoena material be considered by any single expert in preparing a family report.

As there is no upcoming interim hearing, Heather will need to obtain approval from the Registrar to issue these subpoenas. As such, they remain 'unsealed' (see the first page in red of each subpoena) and cannot be issued to the relevant entities nor served upon us (and ICL) until the Registrar approves them. Heather needs to provide a letter to the Registrar explaining why she says the Registrar should approve the subpoenas – we do not see this letter. The Registrar will consider this request in Chambers and no one will need to attend Court (unless we file an objection).

It may take the Registrar some time to approve the subpoenas – sometimes several weeks. We will know once they have been approved as Heather's solicitor will serve them on us via email. Whilst it appears likely the Registrar will approve these subpoenas as they're closely related to the proceedings and not overly broad, the Registrar could always decline some of the subpoenas.

When the Registrar has approved the subpoenas, the Court will include on the subpoena front page the 'date of production' to provide the documents to the Court. This is usually two weeks after being sealed but could be longer. There is also no guarantee the entities will actually produce the documents in that timeframe either.

Once the date of production has passed, Heather's solicitors will file a 'Notice of Request to Inspect' and this will allow both her solicitors and us to receive the documents electronically.

You individually won't be able to receive a copy of the documents from the Court or from us – we can certainly describe what is in the documents and provide a summary, but we won't be able to send the actual documents to you. You can however make an appointment to view the document in person at the Registry – you can make notes but you can't take the documents with you.

The Court has some details on the subpoena process [here](#).

What are your views on these subpoenas?

## 2. Family Report

Please find **attached** a letter from Heather's solicitor sent this morning.

Heather has proposed that you both share the costs of Drew Cowen's report. I note you wrote to us yesterday advising you agree to this.

As such, please find **attached** our draft letter to Heather's solicitor agreeing to pay for half the fees, and the draft joint letter of instruction to Drew Cowen (which will need to be signed by both sides).

We suggest we send these letters as soon as possible to secure dates with Drew Cowen so we can update the Court on 15 October.

Please advise if you are happy for these letters to be sent.

Regards,

**AVALON CARNALL**

Lawyer

**D:** (02) 8123 1279

**E:** [acarnall@ramsdenslaw.com.au](mailto:acarnall@ramsdenslaw.com.au)



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LEAP Email Reference |F:13a2c02e-e331-436a-a90c-1bae78b97efc|M:6e00d064-8bc9-7f43-9844-5b2f315c783f|O:1018bfd2-fa14-43d0-bfe6-69996e78ead9|  
(Please do not delete)

----- Forwarded message -----

From: Olivia Shedden <oshedden@delaneyroberts.com.au>

To: Matthew Shepherd <mshpherd@ramsdenlaw.com.au>, Avalon Carnall <acarnall@ramsdenlaw.com.au>

Cc: "Jo Markham (Independent childrens lawyer)" <admin@jlmfamilylawyers.com.au>, Anna Roberts <aroberts@delaneyroberts.com.au>, Bianca Commins <bcommins@delaneyroberts.com.au>

Bcc:

Date: Wed, 9 Oct 2024 22:10:02 +0000

Subject: Cooke & Cooke

Dear Colleagues,

Please see **attached** letter and enclosure referred to therein.

Yours faithfully

**OLIVIA SHEDDEN**

**Solicitor**

BBus, LLB (Hons), DipLegPrac



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**9 attachments**

-  **Subpoena - Merewether Heights OOSH.pdf**  
421K
-  **Subpoena - Merewether Heights Public School.pdf**  
422K
-  **Subpoena - Pillar Allied Health.pdf**  
419K
-  **Subpoena - Atune Health Centre.pdf**  
424K
-  **Letter to Ramsden Family Law (Family Report) 10.10.24.pdf**  
241K
-  **Terms of Engagement.pdf**  
224K
-  **Cooke & Cooke.eml**  
669K
-  **DRAFT Joint letter of instruction to single expert (Drew Cowen).pdf**  
195K
-  **DRAFT Letter to Delaney Roberts Specialist Family Lawyers (re instructing family report writer).pdf**  
148K