

OUR REF: BMW:MDH:02012
YOUR REF:

27 May 2005

Mr Terence Lindsay
27-29 Culgoa Crescent
LOGAN VILLAGE QLD 4207

RE: PERSONAL INJURIES CLAIM

Further to our letter dated 18 May 2005 we **enclose** for your consideration a copy of Dr Roche's report dated 24 May 2005 together with a copy of his account dated 24 May 2005.

Please furnish us with a cheque made payable to Jim Roche Pty Ltd in the amount of \$454.26 so that we can attend to payment of these fees.

Dr Roche telephoned us on 26 May 2005 to advise that he was returning the xrays together with his report and to inform us that our third question, which in the circumstances is the critical question, was beyond his expertise. Dr Roche says that this is a clinical question and that as a radiologist he can only review and comment on the xrays.

Dr Roche did however say that he agrees with the opinion expressed by Professor Malcom Fisher and agrees that the "instillation" (to use Dr Roche's preferred term) of the gastrogaffin would have had an adverse affect on your pancreatitis because a person such as yourself (sick with pancreatitis) needed all of your resources to fight the illness (pancreatitis) and therefore losing one fifth of your lung capacity due to the instillation of gastrogaffin had to make your situation worse by making you less able to combat the pancreatitis.

Unfortunately Dr Roche is not able to quantify the extent to which your condition was made worse and we still have no expert opinion which would tend to increase the level of aggravation beyond the minimal level quantified by Dr Kerr.

We await your further instructions.

Yours faithfully
JONATHAN C. WHITING & ASSOCIATES

PAID 1001381

31.5.05