

MinterEllison

12 June 2019

BY EMAIL AND HAND DELIVERY

Mr Adam Ockwell
Director, Compliance
Victorian Commission for Gambling and Liquor Regulation
49 Elizabeth Street
RICHMOND VIC 3101

Dear Mr Ockwell

Confidential | Crown – China Investigation

Thank you for your letter dated 29 May 2019.

Your letter requests that Crown provide additional information about the circumstances in which the documents produced to the VCGLR on 18 March 2019 were identified for production. The production of further documents to the VCGLR as a result of the extensive (and expensive) process required to be undertaken of the purposes of discovery in the class action has been the subject of earlier correspondence between us and was discussed at our meeting in December 2018.

In response to the further questions you have raised, Crown notes as follows:

- (a) the documents produced on 18 March 2019 were identified by Crown in the course of reviewing documents for discovery purposes in the Class Action;
- (b) to date, Crown has made 10 tranches of discovery in the Class Action. Crown has reviewed approximately 254,142 documents for discovery purposes, and has now produced approximately 20,748 documents to the Class Action Applicant;
- (c) Crown has previously offered to make available to the VCGLR copies of all documents that have been discovered and produced to the Applicant in the Class Action, or a subset of these documents identified by keyword searches. Crown remains willing and able to produce copies of the discovered documents (or a subset identifying by keywords) if this would be of assistance;
- (d) the documents that have been reviewed by Crown for discovery purposes in the latter part of 2018 and early 2019 were principally drawn from 3 sources:
 - (i) emails extracted from 'live mailboxes' of a number of current Crown employees, specifically Barry Felstead, Jane Pan, Jason O'Connor, Ken Barton, Mary Manos, Todd Nisbet, Karl Bitar and Jack Ng;

(For the sake of completeness, we are instructed that these live mailboxes were relatively confined in volume, and did not include all emails sent and received by the relevant employees during the relevant period.

The live captures include just a point in time snapshot of (generally recent) emails that remained in the relevant mailboxes.

To access older archived emails, and emails that were removed from inboxes before the 'live' snapshots were taken, Crown has had to restore back up tapes, as noted below.)



- (ii) emails extracted from back up tapes that have been restored by Crown since the Class Action commenced; and

(As noted in earlier correspondence and discussed in our meeting in December 2018, the backup tape restoration process has been time consuming, expensive and ongoing. Crown's IT team have been gradually restoring back up tapes since the Class Action began in December 2017.

Batches of restored documents have been uploaded to Crown's litigation database from time to time. The most recent batch of materials was made available for upload on 8 May 2019.)

- (iii) documents that were supplied to Crown during the period 12 November 2018 to 5 April 2019, at Crown's request, by persons who were directors during the Relevant Period (as defined in the Statement of Claim);

(Specifically, these documents comprise emails contained in electronic mailboxes utilised by directors that were not hosted on Crown's servers, and which were not otherwise in the possession of Crown;

The 'director emails' that have been supplied to Crown during the period described above have been added to Crown's electronic discovery database and reviewed according the keywords and other parameters applied for discovery purposes.)

- (e) most of the 20,748 documents reviewed to date in the course of undertaking discovery were reviewed and produced to the Applicant before Crown made the tranche of production to the VCGLR on 18 March 2019. However, an additional 2,563 documents (excluding wholly privileged documents) have been discovered and produced to the Applicant subsequently, in late May 2019;
- (f) this further tranche of discovery also included a privilege list identifying a further 206 wholly privileged documents, which have not been produced to the Applicant; and
- (g) the documents reviewed for the purposes of making this recent tranche of discovery were drawn exclusively from restored back up tapes, a portable hard drive (that was recently identified as potentially containing relevant documents), and documents that were not in the possession of Crown until they were supplied by directors as set out above.

Crown has reviewed a subset of key documents drawn from the recent tranche of discovery, which comprise the documents identified as most likely to be relevant or useful to the Applicant in the Class Action.

Of this subset of documents, 88 fall within the parameters of the notices issued by the VCGLR. Copies of these documents, and an accompanying index, are enclosed.

Discovery in the Class Action as required by current court orders is now complete. Accordingly, the enclosed documents will be the final set furnished to the VCGLR, unless further discovery is ordered or further documents are obtained from external sources.

As discussed, the restoration, retrieval, collection, review and production of documents for the Class Action has been an exhaustive and time-consuming task, only recently completed (to comply with current orders). It has necessarily been much more extensive than even the comprehensive efforts Crown has made to respond in detail to the VCGLR's various notices and requests for documents and information over the course of its investigation (20 or so such notices and requests commencing informally in July 2017 and proceeding more formally through 2018), bearing in mind that the subject matter concerns the history of Crown's operations in China, and particularly events approximately 3 to 5 years ago, and many of the staff involved in those events are no longer with the company.

We would welcome the opportunity to discuss the above and to further explain any aspect in relation to which the VCGLR has any residual concerns, We look forward to hearing further from you if this would be of assistance to you.

Yours faithfully
MinterEllison

A handwritten signature in cursive script, appearing to read 'R Murphy', written in black ink.

Richard Murphy
Partner

Partner: Richard Murphy

T: [REDACTED]
E: [REDACTED]

OUR REF: RDM 1147099