

**Gilbert Case****RESPONSE TO COMPLAINT OF STUDENT 2**

- 1 The Terms of Reference for the Inquiry state that the Board shall inquire into and report upon the past handling of the complaints against Kevin John Lynch and that the procedures agreed upon and adopted by the Board will better facilitate a prompt, cost efficient, and comprehensive investigation of the past handling of the complaints against Kevin John Lynch. In the circumstances it is not sufficient to advise that while the chronology of the complaint of abuse by Student 2 is "not precisely the same as the chronology of the complaints of other students, it is basically similar, and exemplifies what occurred from the commencement of the abuse to the subsequent settlement of the Supreme Court proceedings". How is the chronology similar to the chronology of the complaints of other students? In what ways is it "not precisely the same" as the chronology of the complaints of other students?
- 2 Our client recalls that Student 2 complained of the abuse on 17 April 1997.
- 3 Our client denies that prior to 17 April 1997 that he had any dealings with the three students in respect of any abuse by Mr Lynch. The complaints were treated seriously from the time they were made.
- 4 Our client repeats and relies on paragraph 3 above and says further that the statement contained in paragraph 4 is both mischievous and inappropriate in that it clearly indicates that the author of the chronology has already formed a view that is contrary to our client's interests.
- 5 It is quite remarkable that the chronology jumps from April 1997 to 28 May 1998, when indeed there were a number of matters which occurred in the interim. The implication to anyone reviewing this chronology is that nothing happened for 13 months. Indeed, during this period Student 2 and other complainants received extensive counselling from the "new counsellor". There were extended discussions with all students but particularly Student 2 as to whether the abuse should be advised to his natural mother. Student 2's position was that he did not want his natural mother to be made aware of the events because he was of the view that she would withdraw him from St Paul's if she became aware of them and he wished to stay at the School. Our client is of the understanding that Student 2 also consulted with Chaplain Father Henry on a number of occasions during this period.

Fees were not expected to be paid for Student 2 for the final years of his attendance.

Our client's position with regard to the letter has been addressed in his draft statement of which you have been provided a copy.
- 6 Our client repeats that he was not asked to provide an apology in writing to Student 2. This has also been addressed in his draft statement.
- 7/8 Our client was not the person responsible for the conduct of these matters. Clearly they were being handled by Diocesan authorities, its lawyers and its insurer's lawyers.
- 9 See paragraph 7/8 above.
- 10 See paragraph 7/8 above.
- 11 The relevance of the amendments to the draft letter as included in this paragraph is

Gilbert Case**RESPONSE TO COMPLAINT OF STUDENT 2**

- unclear. Please particularise so that our client may comment should this be necessary.
- 12 Our client does not have a copy of the relevant document and therefore can only assume that the quoted extract from the letter is correct. What allegation is being made with regard to this extract? Please particularise so that our client can comment should it be necessary.
- 13 What allegation is being made with regard to the quoted extract? Please particularise so that our client can comment should it be necessary.
- 14 It is clear from this paragraph that our client and/or the School were not responsible for the decision making processes involved in dealing with the complaints and cannot be criticised in this regard when clearly legal advice was sought and followed.
- 15 Our client does not believe that he was made aware of this letter.
- 16 Our client repeats and relies on paragraph 1 with regard to paragraph 16. It would appear that Student 2's complaint is atypical in as much that only three or four students met with the General Manager before mediations or had any contact with him. Other atypical features with regard to Student 2 include:
- a request for the School to provide external counselling
 - the correspondence with Bishop Noble
 - the correspondence of Coral Palmer
 - the complex family issues
 - the request for waiving of fees
- 17 It is unnecessary for our client to comment on this letter.
- 18 Our client does not believe that he has seen the letter from Coral Palmer. However it is indicative of the fact that there were a number of other people apart from our client who were attempting to assist Student 2 and other complainants.
- 19 The extract from the letter referred to in this paragraph indicates that Student 2's complaint was atypical of other complaints. It also rebuts the inference that our client was responsible for the management of all the complaints. Do you concede that Student 2's complaint is atypical of other complaints? If not, our client requires the opportunity to respond further.
- 20 Our client repeats and relies upon the response to paragraph 19 above.
- 21 Our client is not aware of the content of this letter.
- 22 Our client repeats and relies upon the response to paragraph 19 above.
- 23 Our client is not aware of the content of this correspondence. If it is relevant to his position he requires the opportunity to respond to it.
- 24 We are unsure of the relevance of this paragraph to the Terms of Reference of the Inquiry and accordingly seek clarification in this regard.

Gilbert Case**RESPONSE TO COMPLAINT OF STUDENT 2**

- 25 Our client has not seen this letter and also seeks clarification of the reference in the final paragraph to the "solicitor's letter".
- 26 Our client is unable to comment on this correspondence.
- 27 Our client notes with regard to this document that it confirms that it was Student 2's position that he did not wish anything to occur which might draw publicity to himself.
- 28 Our client notes that the content of the extracts included in this paragraph reflect the conflicting advice being given to the School by the insurer's solicitors and the public relations consultant earlier engaged by the School at the request of the School Council. Our client also notes in the latter regard that it is his understanding that the consultant had done a considerable amount of work previously for the Abused Child's Trust.
- 29 Our client cannot comment on this correspondence.
- 30 Our client cannot comment on this correspondence.
- 31 Our client has nothing further to add by way of commentary on this extract.
- 32 The author of the file note is not identified. Both our client and Student 2 had left the School before this date of 17 May 2001. Accordingly our client cannot comment.
- 33 Our client cannot comment on this correspondence.
- 34 Our client cannot comment on the content of this letter. Our client was no longer at the School at this time. However we seek clarification of the reference in the final paragraph to the effect that "Student 2 was urging Student 2 to proceed against Mr Case".
- 35 We presume that the Claim and the Statement of Claim were filed and served on behalf of Student 2 although this is not clear. We also understand that a defence was filed and served in response. Accordingly, it is inappropriate for our client to comment any further other than to refer to his draft statement as provided previously.
- 36 There is no paragraph 36 in the chronology document provided to our client.
- 37 Our client is not aware of the quantum of the settlements in the mediated cases. It would be extremely inappropriate for our client to engage in any speculation about the significance of the contributions contributed by the insurer and the Diocese respectively without being privy to the facts.