



Catholic Church Insurances Limited

A.B.N. 76 000 005 210

Client Name: Client No.:

File note of Meeting Phone Interview Other

Date: 5-6-07 Time: am/pm

Between: MW, JB, Paul McCann, Anna Ross, Michael Moore,
And: Fr. John Usher, Michael Casey
Subject(s): Ellis v Archdiocese of Sydney

KEY ISSUES:

- Special leave application - consideration of issues

28 days to make special leave application - relatively easy process, inexpensive application (\$2.5 - \$30k in costs)
- specialist 'special leave' counsel - may abandon his current counsel and use specialist counsel
ie. David Jackson

Why should the High Ct be interested in this matter?

- special leave application → occurs within 3 months (inc. hearing) - 3 Judges, sitting in Sydney

- not necessarily error of law

- number of judges that are 'black letter' law

- may set up a panel of Judges so that application fails - Judges have a pre-determined view

- less than 5% of special leave applications get up, very intense process (20 mins for applicant + respondent, 5 mins in reply)

FOLLOW-UP ACTIONS

Spoke to Counsel: 3 arguments

- ① - Very considered, unanimous judgment of Court of Appeal
- ② - Create problems for the litigants - this is not a suitable case to determine a particular issue, as too many other complex issues to determine
- ③ - contentious social issue - satisfied it has been dealt with at a lower level - cuts both ways

DATE OF NEXT MEETING:

SIGNATURE:

WRITTEN CONFIRMATION TO CLIENT YES DATE NO



Catholic Church Insurances Limited

A.B.N. 76 000 005 210

2

Client Name: Client No.:

File note of Meeting Phone Interview Other

Date: Time: am/pm

Between:

And:

Subject(s):

KEY ISSUES:

- justice of the decision and its practical impact may intrigue High Court
- likely that Kirby J will sit on special leave application

Richard's view: If Ellis files a special leave application, higher than usual prospect of success

Appeal special leave application: Due by 21 June 2007

- Estimated costs of High Court appeal: \$100,000
- Ellis - bankrupt - limited assets - family home - Cross to do property title search

\$25-30k in defending special leave application - decision is made on the day re: special leave, hearing likely to occur w/in 3 months if application granted

- One + only opportunity to avoid legal costs - waive costs and not proceed with application - confidential communication - won't be able to later divulge this offer (ie to media etc).
- Ending the process + not incurring further costs - Ellis unlikely to accept this - wants to take matter as far as he can.
- Archdiocese has adverse publicity issues to consider + practical

FOLLOW-UP ACTIONS

effect of any decision ultimately made by High Court (if Arch unsuccessful)

- If he is successful before High Court, matter remitted to Sup Ct to hear limitations issue + settle claim

Given complexity of matter and pros and cons of each available option requested Cross advise us in writing of above + make recommendations re: future conduct. Paul M'Connell agreed to this.

DATE OF NEXT MEETING:

SIGNATURE: *Murt Wlf*

WRITTEN CONFIRMATION TO CLIENT YES

DATE

NO