

MONAHAN + ROWELL

LAWYERS

30 March 2011

Att: Marita Wright
 Catholic Church Insurances
 DX 30577
 South Melbourne



Dear Marita,

RE:	REPORT NO:	FINAL
	CUSTOMER:	Trustees of the Marist Brothers, Marist College, Pearce ACT
	CLAIMANT:	AAE
	ALLEGED PERPETRATOR:	Brother Kostka Chute
	CCI CLAIM NO:	2650802
	RELEVANT DATES:	1985 - 1987
	CLAIM RESERVE at 12/11/09:	\$127,500- \$155,000 inclusive of costs
	Marist Brothers Contribution	\$127,500- \$155,000 inclusive of costs
	TOTAL CLAIM	\$255,000-310,000 including \$50,000 claimant's costs. Division 50/50 under an indemnity agreement.
 <u>ACTUAL SETTLEMENT FIGURE INCLUSIVE OF COSTS:</u>		
	Total Claim -	\$250,000 plus claimant's costs of \$100,000)
	CCI contribution -	\$125,000 (plus claimant's costs of \$50,000)
	Marist Brothers contribution -	\$125,000 (plus claimant's costs of \$50,000)
	DEFENCE COSTS RESERVE:	\$70,000.00
	DEFENCE COSTS INCURRED:	\$93,480.152
	NET DEFENCE COSTS RESERVE:	- \$23,480.15
	FINAL INVOICE RENDERED:	Yes - Attached

Our Ref: **pjm/hob/070983****1. INTRODUCTION**

In association with Colin Biggers & Paisley - Sydney

070983/hr/624683/1

Partners Patrick Monahan + Bruce Butler + Mark Attard + Andrew Probert
 Mark White + Justin Griffin + Mary Edquist + Vanessa Kemp

Address Level 31, 525 Collins Street, Melbourne VIC 3000 Australia Postal GPO Box 4542 Melbourne VIC 3001
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AAE "the claimant"), presently aged 38 years (DOB REDACTE), alleges he was sexually assaulted by Brother Kostka Chute in 1985, 1986, 1987 and 1988 whilst he was a Year 7 to 9 student at Marist College, Pearce. At the time he was aged 13 to 14/15 years.

2. TIME TAKEN TO PROVIDE INITIAL REPORT

8 November 2007 - Formal instructions to act received from CCI.

1 August 2008 - First comprehensive report provided to CCI.

Therefore total time taken to provide initial report approximately 8 months.

3. PRELIMINARY CLAIM RESERVE RECOMMENDATION

20 November 2008 - \$150,000 inclusive of \$50,000 for the claimant's costs.

4. PRELIMINARY DEFENCE COSTS RESERVE RECOMMENDATION

20 November 2008 - \$30,000 defence costs reserve.

5. RECOMMENDED RESERVE 60 DAYS PRIOR TO SETTLEMENT

12 November 2009 – Total claim reserve \$255,000 - \$310,000 inclusive of \$50,000 claimant's costs. Given the Indemnity Agreement between the Marist Brothers and CCI, CCI's recommended claim reserve was \$127,500. This reserve reflects the 50/50 split pursuant to the agreement.

6. ESTIMATE OF DEFENCE COSTS 60 DAYS PRIOR TO SETTLEMENT

12 November 2009 - \$70,000 defence costs reserve.

7. SETTLEMENT AMOUNT

\$250,000 plus the claimant's costs.

Note the Marist Brothers contributed \$125,000 to the settlement sum pursuant to the indemnity agreement reached between the Marist Brothers and CCI in relation to Br Kostka-Chute matters.

This matter was then costed in the ACT by LegalCost who estimated the file to have included Counsel's fees totalling \$165,737.50. We note that Porters Lawyers encouraged an agreement whereby they were prepared to accept costs for \$100,000. We confirm that this offer was accepted and paid over to Porters Lawyers in early 2011. The Marist Brothers contributed 50% of the costs.

Therefore the total settlement amount including costs is \$350,000, which has been split 50/50 between CCI and the Marist Brothers.

Marita Wright
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The total settlement amount in relation to CCI's contribution was \$155,000.

8. TOTAL DEFENCE COSTS INCLUDING DISBURSEMENTS

\$93,480.15

Please note this amount does not include any bills directly rendered by our Canberra agents, DLA Phillips Fox to CCI.

9. DURATION OF FILE FROM DATE OF INSTRUCTIONS

30 January 2009 – Instructions received from CCI.

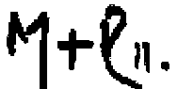
8 March 2011 – receipt of Notice of Discontinuance.

22 March 2011 - Final report to CCI. Therefore length of file 2 year 1 month approximately.

We take this opportunity to **enclose** a copy of the fully executed Heads of Agreement, Mediation Agreement, Notice of Discontinuance and Deed of Release in this matter.

We would like to once again thank you for your instructions.

Yours faithfully,



MONAHAN + ROWELL

Attech.

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