

**MONAHAN + ROWELL**

LAWYERS

25 January 2010

*Via DX*

**Attention: Mr Joe Bucci**  
 Catholic Church Insurances  
 DX 30577  
 SOUTH MELBOURNE

Dear Joe,

<b>RE:</b>	<b>REPORT NO:</b>	Final (report no. 3)
	<b>CUSTOMER:</b>	Trustees of The Marist Brothers, Marist College Pearce, ACT
	<b>CLAIMANT:</b>	AAP
	<b>CCI CLAIM NO:</b>	2683647
	<b>CLAIM RESERVE:</b>	
	<b>CCI contribution -</b>	\$175,000 (incl claimant's costs)
	<b>Marist Brothers contribution -</b>	\$175,000 (incl claimant's costs)

*(Total Claim: \$350,000 including \$50,000 claimant's costs. Division 50/50 under an indemnity agreement)*

<b>DEFENCE COSTS RESERVE:</b>	\$30,000
<b>DEFENCE COSTS INCURRED:</b>	\$23,965.20 ** see paragraph 7
<b>NET DEFENCE COSTS RESERVE:</b>	\$6,034.80
<b>FINAL INVOICE RENDERED:</b>	YES

Our Ref: **pjm/hob/080243****1. INTRODUCTION**

AAP ("the claimant") now aged 37 years REDACTED alleges he was sexually assaulted by Br Kostka Chute on numerous occasions from 1985 to 1987 when he was in Year 7 to Year 9 at Marist College Pearce, ACT. During those years he was aged 12/13 years to 15 years.

**2. TIME TAKEN TO PROVIDE INITIAL REPORT**

In association with Colin Biggers &amp; Paisley - Sydney

080243/jbm/538880/1

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

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20 March 2008 – written instructions received from CCI.

23 December 2008 – initial report provided to CCI.

Therefore total time taken to provide initial report was 9 months.

Please note this was prior to the introduction of CCI's reporting protocols on Special Issues matters, and discussions were frequently held with CCI in respect of the Marist College Pearce matters.

**3. PRELIMINARY CLAIM RESERVE RECOMMENDATION**

23 December 2008 - \$200,000 plus costs of \$50,000.

**4. PRELIMINARY DEFENCE COSTS RESERVE RECOMMENDATION**

23 December 2008 - \$30,000.

**5. RECOMMENDED RESERVE 60 DAYS PRIOR TO SETTLEMENT**

1 September 2009 - \$350,000 inclusive of \$50,000 in costs.

1 September 2009 - \$30,000 defence costs reserve.

**6. ESTIMATE OF DEFENCE COSTS 60 DAYS PRIOR TO SETTLEMENT**

1 September 2009 - \$30,000 defence costs reserve.

**7. SETTLEMENT AMOUNT**

2 October 2009 - \$285,000 inclusive of the claimant's costs.

Note: The Marist Brothers contributed \$142,500 to the settlement sum pursuant to the indemnity agreement reached between the Marist Brothers and CCI in relation to Br Kostka Chute matters.

Therefore the settlement amount in relation to CCI was \$142,500.

**8. TOTAL DEFENCE COSTS INCLUDING DISBURSEMENTS**

**\$31,461.40** represents the total defence costs, including all disbursements. However, please note that as this matter was mediated after the finalisation of the indemnity agreement between CCI and the Marist Brothers, the Marist Brothers paid for 50% of the mediation costs (50% totalling \$7496.20).

Therefore, the total defence costs including disbursements that were in fact paid by CCI was \$23,965.20.

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

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**9. DURATION OF FILE FROM DATE OF INSTRUCTIONS**

19 March 2008 - written instructions received from CCI.

26 November 2009 - Notice of Discontinuance sealed by the ACT Supreme Court.

25 January 2010 – final report to CCI.

Therefore total file length was 1 year 10 months.

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

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

Yours faithfully,



MONAHAN + ROWELL

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