

**MONAHAN + ROWELL**

LAWYERS

1 October 2009

*Via facsimile: 02 6248 5045*

*Attention: Mr Jason Parkinson*  
 Porters Lawyers  
 DX 5632  
 CANBERRA ACT

**"Without Prejudice Save as to Costs"**

Dear Mr Parkinson,

RE: AAP v Trustees of the Marist Brothers & Ors  
 Supreme Court of the Australian Capital Territory – SC 657 of 2008 (*"the Proceedings"*)

Our Ref: **pjm/sec/080243**Your Ref: **JDP:md:08019**

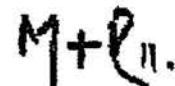
We advise the Defendants, for whom we act, hereinafter called *"the Defendants"*, offer to settle the whole of the Plaintiff's claim in the Proceedings for \$235,000 plus costs as agreed or assessed.

This offer will remain open for acceptance up to 5.00pm on Thursday, 29<sup>th</sup> October 2009 at which time it will lapse and will no longer be available for acceptance.

In the event this offer is not accepted and the Proceedings proceed to a judgment which is equal to, or less favourable to the Plaintiff than this offer, the Defendants reserve the right to produce this letter in support of an application for an Order that the Plaintiff pay the legal costs of the Defendants incurred after the date of this letter on an indemnity basis or a solicitor/client basis.

In seeking such an Order the Defendants will rely on the principals enunciated in Calderbank v Calderbank [1975] 3 All ER 333 and Cutts v Heads [1984] 1 All ER 597.

Yours faithfully,


**MONAHAN + ROWELL**

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In association with Colin Biggers &amp; Paisley - Sydney

080243/sec/539276/1

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