

*Privileged – Strictly Confidential – Produced and presented for the purposes of the Mediation commencing 9 August 2012*

PLAINTIFF'S POSITION PAPER FOR MEDIATION  
ON 9 AUGUST 2011

AAR

-v-

TRUSTEES OF THE MARIST BROTHERS & ORS

ACT Supreme Court No. 200 of 2011

AAR was born on REDACTED and is 44 years of age.

The plaintiff was a student at Marist College Canberra between 1978 and 1986.

The plaintiff was sexually abused by Br Kostka Chute, also known as John William Chute, on a number of occasions in 1981 and 1982.

The plaintiff alleges that the defendants were aware, through their servants or agents, of the facts that gave rise to a duty to prevent the sexual abuse from occurring, which are referred to in paragraphs 10 (a) (i) – (xv), 32 (a) (i) – (xii), 54 (a) (i) – (xii), 122 (a) (i) – (xii) of the Statement of Claim dated 6 April 2011.

The plaintiff relies on the Chronology attached.

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As a result of the defendants' acts or omissions, the plaintiff suffered the following injuries:-

1. Dysthymic disorder.
2. Chronic anxiety
3. Personality based difficulties

Due to the plaintiff's injuries he continues to suffer from many ongoing disabilities including but not limited to the following:-

1. Major depressive episodes.
2. Recurrent panic attacks.
3. Problems with sexual libido.
4. Overt dependency.
5. Self-image problems.
6. Difficulty trusting others.
7. Anti-authoritarian behaviour.
4. Heroin dependence (in remission).
5. Amphetamine abuse/dependence (in remission).
6. Cannabis abuse (in remission).
7. Benzodiazepine abuse (in remission).

The plaintiff claims damages set out in the Schedule of Damages attached.

The plaintiff's claim is that his injuries and disabilities are a result of the negligence of the defendant by failing to prevent the sexual abuse from occurring.