

## Memorandum to Counsel

Counsels' instructors act for each of the defendants in the Supreme Court proceedings issued by each of Anthony Foster, Christine Foster, Katherine Foster, Aimee Foster and Emma Foster.

Each of the proceedings was commenced by way of generally endorsed writs. Initially we filed appearances on behalf of the second to sixth defendants. We were subsequently instructed to also file an appearance on behalf of the first defendant.

In three of the proceedings, being those issued by Anthony, Christine and Aimee, no statements of claim have yet been served and accordingly, there is nothing that needs to be done.

In the proceedings issued by Katherine and Emma, statements of claim were served some time ago, and the defences are well overdue. In late February I spoke with Mr Jorgensen at Williams Winter, who indicated that as statements of claim have not been filed in the other three matters, he does not require any defences at this stage. However I said that I would be briefing counsel to consider the statements of claim that have been filed, so that any objections that we have can be raised at an early stage.

Accordingly, I would be grateful if counsel would consider the statements of claim issued by Katherine and Emma and if appropriate, draft a memo to Tim Seccull. Counsel will note that what Mr Seccull has clearly done is to prepare statements of claim in the two matters where the plaintiffs allege that they are primary victims. He has clearly found it more difficult to plead the claims brought by the secondary victims, being the parents and sister.

Counsel should note that the Independent Commissioner was satisfied that Emma Foster was a victim of the late father Kevin O'Donnell. Emma has led an extremely troubled life, and has had major difficulties with drug addiction. She has attempted suicide on many occasions.

The Commissioner has made no findings in relation to Katherine.

Counsel may recall that the Foster family participated in the 60 minutes program in mid 2003, that was violently critical of Cardinal Pell.

I look forward to discussing these matters with counsel further.

Kind regards

Richard Leder

**DATED:** 26 March 2004



**CORRS CHAMBERS WESTGARTH**