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**Conference with Ted Exell**

	<b>"Comp"</b>	<b>"Medicals"</b>	
Emma	\$55,000	+ \$40,000	\$ 95,000
Katie	\$40,000	+ \$40,000	\$ 80,000
Aimee	\$25,000		\$ 25,000
Anthony	\$30,000		\$ 30,000
Christine	\$30,000		\$ 30,000
			<hr/>
			\$260,000
		Costs	\$ 40,000
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			\$300,000
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# Corrs File Note

**Date** 7 November 2005

**Author** Richard Leder

**Subject** **Beach QC - Mediation**  
**R Stanley QC and T Seccul for Plaintiff,**  
**M Jorgenson**  
**D Collins SC & K Lyons, RAL, Ted Exell**

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## 10.30:

V hard not to become essentially involved with this family. Family are here. I spent Fri arvo with them. There was a previous settlement cfce. That got no return. Therefore not sure what the pt of this is.

Still discovery to be obtained, but we have an idea what the discovery will prod from other cases re this priest. Also interrogate. O/wise ready to – trial.

Family have decided that none of them are prepared to resolve their cases for what is avail under the Church scheme. Won't accept their cases being dealt with under that scheme.

I can assure you that cases will – trial unless they settle. You can make whatever strike out applic'ns you want and there will be publicity.

If Church thinks it can hide behind technicalities it can think again. Foster has a successful bus.

If these cases were treated as assessments, particularly Emma's, but all of them wld be given v signif damages by a jury.

Emma's case:

- total loss of earning capacity;
- as a nurse/nurse's aide, earning just under \$1,000 per week when she last worked a couple of yrs ago. Current earning capacity is \$750/week.

Multiplier 3% \$1,142 20% red'n for contingencies

\$685,000 loss of earning capacity.

Medical exps – currently paying \$250 p/m medication costs alone.

Medical visits – GP.

Pain & suffering. If it's accepted that those probs are attributed to the abuse, where does it take you. She explained to me initially what happened with Fr O'Donnell & it's more than appears in the medical reports. There was penetration with the penis and she bled. When she had her 1st period, that was a crucial event. Cldn't tell anyone. On medication to prevent her having a period b/c she is still so affected.

Before she told me that, her parents said the dramatic change in Emma became apparent when she had her 1<sup>st</sup> period

What is a jury going to award a young girl. Now a total addict to the medication she is on. Similar to Methadone.

Takes an extraordinary amt of medic'n & the prognosis is still not good.

Katie: Her pos'n wld have been v. similar to Emma but for the motor accident. Haven't determined if we'd say that injuries in MVA contributed or caused by the abuse; was the abuse a contributing factor.

Katie was seen by Prof Mc Farlane before the car accident. Clear she was binge drinking. That cld & wld be said to be caused by the inability to cope.

If claim in causation is too weak, her claim is ltd to her probs up to the accident, & on-going counselling.

Therefore Katie's claim on a diff level to Emma.

She is approx 90% disabled per TAC assessment. On 24 hr attendant care.

But she is clearly intelligent. She has laboured speech but is able to communicate.

Parents: At the time PJOC wrote to parents / their sol he indicated that under the scheme they were not entitled to compo b/c at C.L. no claim b/c of *Jaensch v Coffey*. Since then the law has changed & they now do have a cause of action for pain & suffering re what they were told re effects of abuse.

What wld a jury award for the loss of 2 daughters?

Aimee: Hard to see what her cause of action is.

She has suffered greatly & if the Church wants to indicate some degree of compassion then obviously she shld be, morally, entitled to compo for what her parents assess as loss of 2 yrs growing up.

We appreciate the legal complexities but you are no doubt aware of the matters that will be adduced in ev. They will reflect v badly and will – finding of negl by Little.

Case shld not proceed a/g current Arch.

I'm not going to put figs. Ball is in yr crt. What do you want to do? Resolve or fight in crt. If Church wants to take the view it has legal defences, go for it. If it's as strong as you think it is, I'm amazed you haven't done it to date.

Plf, partic Mr F, can afford to run & will run them as far as he can to get justice.

I asked him on Fri what he wanted. "We want recognition". They feel they have been treated v shabbily since the claim was made. Arch Pell, who they saw personally.

When asked what "recogn" means, I asked if it has to be public. As far as they are concerned no need for public recogn'n, but wld have to have suff force to ensure Emma & Katie, partic Emma, is put in the fin'l pos'n she wld have been in but for the effects of the abuse. Clearly that involves a signif sum of \$.

Do you want to settle or fight?

**Collins:**

We are int'd in settling. But we take a/c of the strong defences.

The compo scheme was estab'd.

If you move to litig'n, our consistent approach is to assess the risk.

Plf's here suffered some signif legal hurdles & you know what they are.

Church won't pay whatever it takes to award publicity.

We know what to expect.

**10.50: With Beach**

Discussion

**11.15:**

Offered \$250,000 + costs less HIC



**3pm:**

C- offer - \$750,000 + solicitor clients costs

+ HIC

Not Carelink

**3.25pm:**

Settling the case on the terms offered.

\$750,000

+ Sup Crt costs, sol-client

+ def't's to indemnify the plfs regarding HIC.

Confid'y

Anticipated split up – slight change so Aimee gets something.

\$450 for Emma, \$220 for Katie & Aimee & the parents. Aimee \$30,000 & bal to the parents.

David Collins – Church doesn't see the payment of \$ as washing its hands of the family. Therefore pastoral support is avail if its wanted.

Kevin to draft Terms

Usual releases.

ENDS

FILE NOTE TYPED 11 AUGUST 2014 AT THE REQUEST OF THE ROYAL COMMISSION.