

# Corrs File Note

**Date** 24 June 2005  
**Start** 11am  
**Author** Richard Leder

**Subject** RCC/Foster

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**Attendees** Tim Seccull, Michael Jorgenson, Kevin, Ted, RAL

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## Without prejudice

Let's meet before we get embedded. \$ to parties instead of lawyers.

Primary group – Emma and Katie

2ndary group – Chris, Anthony and Aimee

We ack diffs in the groups.

Reports from Prof Alexander McFarlane for Emma and Katie. Uni of Adelaide.

- Ref'd to in Wright v Commonwealth – Ashley J 23/6/05

Emma – PTSD, major depression, poly substance abuse

Katie – PTSD, major depression

### Emma

- General damages
- HIC component + medicals
- Future
- Loss of chance

### Katie

Soon after she was seen by McFarlane, she walked in front of a car with alcohol/drugs in her blood. Long period of rehab. Issue re causative influence of abuse on this suicide attempt.

General

Medical

Future

2ndary:

Lesser component

Medical past, present and future } Mum & Dad  
 General }  
 Eco loss – not for Mum & Dad

Aimie

- Medicals, past, present and future
- General
- Loss of chance

Medicals are from Michael Epstein.

A school case, but more than one b/c abuse occurred in school and after Mass.

- Noreen Harrison – she was the principal, therefore she was under a duty. Q is how broad the duty was and whether she acted reas.
- Little was the Arch – our u/standing is that Parish was within the Arch – therefore as Arch Sir Frank had a C.L. and Canon Law duty to o/see relig educ'n in the Parish. Had overriding pwr & control over Harrison and O'Donnell.
- Hart - current occupant of the office of Arch. We allege the office is a corp'n sole & duties & oblig'ns of office flow thru' to him.
- RCTC – occupier of school and church presbytery premises. Included based on [illegible] & ?
  - Sir Frank was also a member of the trust and therefore knowledge ...

(David came in).

- Deakin – implicated by info given by Salvano to whom we've spoken. > 1 complaint by Salvano to Deakin re behaviour of O'Donnell re boys. Salvano was told to let the jubilee conclude and if Salvano didn't like it he could leave.
- Guelen – observed O'Donnell in bed with a young boy (either Oakleigh or Dandenong Parish).

**1.10pm**

Have spoken to the parents but need indep't discussion with Emma and Aimee.

Emma and Katie – Medical pos'n

HIC – need to seek

Other past out pockets – don't think there are any

Future treatment – unsure what Church is currently paying. It is paying for on-going counselling for parents and Aimee.

\$250,000 general damages each

+ eco loss/loss of chance \$250,000 Emma– unemployed on drugs

qualified but unreg'd nurse b/c she won't pass police checks.

\$50,000 – Katie - she getting TAC payments.

Aimie - awaiting details re medicals

\$75,000 general,

\$75,000 loss of chance – more rapid adv thru' secondary and tertiary education.

Ongoing medicals – Church is paying but needs to be clarified.

Christine and Anthony

Clarifying pos'n re medicals

No claim for pecuniary disadv

\$100,000 each general.

**David**

- Figs are o/side our range. They are the types of figs you'd put in partics.

**DAVID:**

Emma: I don't see how she will succeed. Say on bal of prob'ies she was abused, it was in '88 and '89 – therefore has no case.

Katie: She cld have a case but only to the extent that Salvano's complaints cld have avoided further abuse after that time. That is really the tail end. Seems to me not a signif aggravation. Therefore the sort of \$ that she'd get from the compo scheme.

2ndary claims: Need to prove causation. Then need to prove diffs in effect on them of Katie's abuse ceasing earlier. And you wld extend the law.

But if the other claims resolve we'd pay something modest.

ENDS

File note typed 8 August 2014 at the request of the Royal Commission.