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Date 9 December 2004
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To Mr E W Exell
 Catholic Archdiocese of Melbourne
 Tel
 Fax 9639 2860

From Richard Leder
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 Email richard.leder@corrs.com.au
 Our ref RAL/6697782

Dear Ted

Roman Catholic Archdiocese & Ors ats Foster

As you would recall, I have been engaged in discussions with David Collins and Kevin Lyons about the next steps to be taken in the five Supreme Court proceedings issued by the Foster family.

I **attach** a memorandum from counsel together with a draft Summons. As you will see, counsel are recommending that we seek to strike out certain paragraphs of the Statement of Claim as against each Defendant. In addition, they are recommending that we seek summary judgment in favour of the Third and Fourth Defendants, namely Archbishop Hart and the Trusts Corporation. In order to seek summary judgment, it will be necessary for some brief affidavit material to be sworn. We are proposing that this affidavit be sworn by me. Insofar as the application on behalf of Archbishop Hart is concerned, the affidavit will be simple matter.

The application for summary judgment on behalf of the Trusts Corporation is a little more complex. It will involve setting out the basis upon which the Trusts Corporation permits a parish priest to reside at the Presbytery, and permits the operation of the school. I would like to discuss these issues with you.

You will see that in the memorandum, counsel assume that the CEO conducted the Sacred Heart school. I wonder whether the school was in fact conducted by O'Donnell.

Could you give me a call when convenient.

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If this fax is illegible or incomplete please telephone (03) 9672 3440

9 December 2004
Catholic Archdiocese of Melbourne
Roman Catholic Archdiocese & Ors ats Foster



Kind regards

A handwritten signature in black ink, appearing to be "Richard Leder", written over a horizontal line.

Richard Leder
Partner

attachments