

MONAHAN + ROWELL

LAWYERS

25 March 2009

*Via email:**hharrison@codea.com.au**msslattery@codea.com.au*

Attention: Howard Harrison/Martyn Slattery
 Carroll & O'Dea Lawyers
 DX 183 SYDNEY

Dear Howard,

RE: Trustees of the Marist Brothers & Ors ats ACN
REDACTED

Our Ref: pjm/hob/070991

Recently we asked Porters to forward to us copies of any further documents that they had forwarded to their expert, Dr Leister Walton, to assist him in preparing his report on the Plaintiff. Under cover of a letter dated 11 March 2009 we received copies of the following documents:

1. Student referral form to School Counsellor dated May 1991.
2. Letter from Woden Valley Hospital to the School Counsellor dated 31 March 1994.

Copies of the documents are enclosed.

You will see from the letter from the Woden Valley Hospital that the School Counsellor was LAJ
LAJ

From information contained on the Student Referral form to the School Counsellor, it appears that ACN probably first saw the School Counsellor on 20 June 1991 and on subsequent dates in May 1992 and in November 1993. The referral form refers to Br Kostka and ACN making the referral to the School Counsellor and it also refers to ACN alleging that there were acts of indecency by Br Kostka when he was in Year 7.

From the notes you obtained from Br Kostka and forwarded to us on 3 February 2009, it appears that on 4 December 1993 Br Alexis Turton was approached by LAJ and at that stage was informed that ACN was abused in Year 7.

In association with Colin Biggers & Paisley - Sydney

070991/hak/509080/1

Partners Patrick Monahan + Philip Rowell + Bruce Butler + Mark Attard + Andrew Probert + Allison Grice
 Mark White + Justin Griffin + Mary Edquist + Rita Zammit

Address Level 31, 525 Collins Street, Melbourne VIC 3000 Australia Postal GPO Box 4542 Melbourne VIC 3001
 Telephone Ph (61-3) 8624 2000 Fax (61-3) 8624 2031 Website www.mrlaw.com.au
 Ausdoc DX 540 Melbourne ABN 27 698 119 366

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Would you kindly obtain instructions and let us know whether the Principal of the School or someone else was informed by the School Counsellor or ACN [redacted] on or about June 1991 or May 1992 (stating which) of the alleged acts of indecency by Br Kostka.

We refer now to your letter to us dated 3/2/2009 and Br Alexis' notes:-

- We would like to know if Br Alexis first became aware of this matter in December 1993 or on an earlier date.
- The notes refer to a teacher in Year 12. It seems from these notes that the teacher counselled ACN [redacted] or suggested a strategy. Who was the teacher? Did he report the alleged incident to the Principal?

You will appreciate that these notes are relevant and once they are revealed to Porters they will want to know the name of the teacher. We of course would like to know the name of the teacher and interview him as soon as possible.

We look forward to hearing from you.

Yours faithfully,

M+R.

MONAHAN + ROWELL

Encl.

Partner
Phone: Patrick Monahan
(61-3) 8624 2000
Email: pmonahan@mrlaw.com.au

Contact
Consultant
Phone: Helen O'Brien
(61-3) 8624 2000
Email: hobrien@mrlaw.com.au