

YOUR REF:

OUR REF: HGH:80843

CONTACT:

PARTNER: Howard Harrison

Direct Line: 9291 7112

Email: hharrison@codea.com.au

{ CREATEDATE \@ "d MMMM yyyy" }

Br Jeffrey Crowe - Provincial
Trustees of the Marist Brothers
PO Box 138
DRUMMOYNE NSW 1470

Dear Brother

MARIST BROTHERS CANBERRA – CCI ISSUES

I refer to our discussion on 18 May.

We are working on a submission to CCI, a copy of which we **enclose**.

Patrick Monaghan had sent through some barristers' opinions which we are forwarding to you.

We **enclose** copy of our current schedule of Chute cases.

We are hopeful that, ultimately, an agreement will be reached with CCI on the Chute matters to share the cost of them on a 50:50 basis.

It is also important that settlement figures be kept in some form of appropriate context.

We are also working up an affidavit for Brother Chute which we would like to speak with him further about.

We suspect that with some thought, aspects of his story can be put in a more useful context whilst maintaining integrity.

We note that you will be overseas at the time of the June mediations – Brother Alexis will be on hand.

We confirm that there may be a better prospect of some kind of human interaction at that time but let's see how matters progress.

We confirm that we see the Brother Chute cases as falling into three broad categories –

- (a) A limited number of very dangerous cases from the view point of the Marists where financial outcomes approximating court computed damages will probably have to be entertained.
- (b) A middle group of cases which are in a legally grey area where lesser figures should be sufficient to resolve the matter and
- (c) A group of very old and problematic claims where *Towards Healing* type figures should be appropriate and sufficient.

We will let you have some numbers in this regard shortly but note that at this stage only a limited number of Brother Chute's Marist cases are on the radar screen for discussion in June.

We will discuss with Patrick Monahan and Joe options for resolution of the insurance issue which include arbitration and mediation.

Realistically, we have to say that Brother Chute's disclosure to Patrick of a series of discussions with Provincials over the years was quite damaging and certainly CCI are well within their rights to be taking the point and hopefully some form of acceptable compromise will be achieved in due course without undue cost or damage to the relationship.

Yours faithfully
Carroll & O'Dea
Per:

Encl