

6/15/2015

Marist Brothers Australia Mail - RE: Marist Brothers ats [REDACTED] - CCI Ref: 3326774, 3299112 &amp; 3294881



Kathleen Fleming &lt;kathleen.fleming@marists.org.au&gt;

**RE: Marist Brothers ats [REDACTED] - CCI Ref: 3326774, 3299112 & 3294881**

1 message

Mathisha Panagoda &lt;Mathisha\_Panagoda@codea.com.au&gt;

4 June 2015 at 16:24

To: "Kathleen.fleming@marists.org.au" &lt;Kathleen.fleming@marists.org.au&gt;

Dear Kathleen,

I refer to Nicole's email below. Do you recall the basis for which we indicated that the Marist Brothers "became aware of Br Butler's propensity to offend in early 1991"?

Kind regards

**Mathisha Panagoda**  
Lawyer

[REDACTED] E: mpanagoda@codea.com.au

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& O'DEA**  
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From: **Nicole Kelidis** <Nicole.Kelidis@ccinsurance.org.au>

Date: 5 January 2015 at 12:58

Subject: Marist Brothers ats [REDACTED] - CCI Ref: 3326774, 3299112 &amp; 3294881

To: Kathleen Fleming &lt;kathleen.fleming@marists.org.au&gt;

Cc: "Tracy Dunford (tdunford@makdap.com.au)" &lt;tdunford@makdap.com.au&gt;

Dear Kathleen

**CCI Claim: 3299112 (Butler) – Special Issues Policy****CCI Claim: 3326774 (Butler) - Public Liability Policy****CCI Claim: 3294881 (O'Sullivan)- Public Liability Policy**

I refer to your telephone discussion with Kimberley Nash on 24 December 2014 and confirm that the Marist Brothers became aware of Br. Butler's propensity to offend in "early 1991". As explained to you, the First Special Issues Policy commenced on **1 July 1991**. Following some further consideration of the Special Issues Policy and the Notification provided by the Marist Brothers on Br. Butler, we consider that the Notification made by the Marist Brothers for Br. Butler is **invalid**, as knowledge of his "offending" was acquired prior to the commencement of the Special Issues Policies.

Therefore, regrettably there will be no "top-up" cover available in this claim insofar as it relates to the

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allegations of sexual abuse by Br. Butler in 1970 under the Special Issues Policy. There is however insurance cover for the Marists Brothers in respect of the 5 sexual assaults that occurred in 1973 under the Public Liability Policy. I remind you that the limit of indemnity under the Public Liability Policy undertaken by the Marist Brothers in 1973 was \$40,000 plus costs. Tracy Dunford of Makinson d'Apice Lawyers has been liaising with Carroll & O'Dea regarding contribution from the Marist Brothers for the uninsured aspects of the claim concerning Br. Butler. I will therefore close claim file 3299112, which was opened under the Special Issues Policy.

I further confirm that there is no change to the insurance cover concerning the allegations of sexual abuse by Br. O'Sullivan in 1971.

By way of further update, settlement negotiations are being held in abeyance (at the request of Carroll & O'Dea), until the completion of Br. O'Sullivan's criminal trial, which is listed for hearing in April 2015.

I regret the inconvenience caused and thank you for your understanding.

Please do not hesitate to contact me should you have any queries.

Kind regards

**Nicole Kelidis**

*Special Issues Claims Officer*



Catholic Church Insurance Limited  
 Level 8, 485 La Trobe Street Melbourne Vic 3000  
 GPO Box 180 Melbourne Vic 3001

[REDACTED]

[www.ccinsurance.org.au](http://www.ccinsurance.org.au)

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