

T H Y N N E
&
M A C A R T N E Y

Solicitors

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6 April 2001

Partner: J R Moore
 Contacts: John Moore (07 3231 8861)
 Email: mooregroup@thymac.com.au
 ABN: 79 763 953 991
 Our ref: JRM:991255
 Your ref: Karen Mole

Liability Claims Officer
 CCI Limited
 GPO Box 180B
 MELBOURNE VIC 3001

By Facsimile

Dear Ms Mole

The Corporation of the Trustees of the Roman Catholic Archdiocese of Brisbane -ats- Isaacs

We refer to our telephone conversation of 15 February 2001.

We attended a conference with the plaintiff's legal advisors and her husband on Tuesday 3 April 2001. The Plaintiff called this conference to pursue whether the matter could be settled. As you know, to date, the sums of money the plaintiff has been seeking have clearly prohibited any prospect of settling the matter (that is \$350,000.00 plus).

POSSIBLE SETTLEMENT

However, we do get the feeling that the plaintiff will be reasonable in accepting a notional settlement amount to bring "closure" to the matter. Would you be interested in commercially resolving this matter? Say \$10,000.00 to \$25,000.00 plus costs? We have not obtained a figure as such from the plaintiff as we thought it best to first canvass with you whether it was worthwhile to do so.

For your assistance, we **enclose** a summary of the pertinent points in relation to this claim together with a summary of damages claimed. We set out below details of the quantum claimed by the plaintiff for your ease of reference:-

General, exemplary and aggravated damages	\$49,000.00
Special damages	1,710.50
Future medical expenses	1,724.50

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Future medication costs (per year)	240.00
Future medical treatments	7,840.00
Travelling expenses	5,845.44
Future travelling	1,040.00
Past medication	3,050.00
Past economic loss	100,980.00
Future economic loss (to age 65)	141,303.00
Past loss of superannuation benefits	5,090.00
Future loss of superannuation benefits (to age 65)	12,259.00
<u>Griffiths -v- Kirkemeyer</u> damages	8,840.00
Future <u>Griffiths -v- Kirkemeyer</u> damages	<u>19,760.00</u>
Total	<u>\$358,682.44</u>

We have previously estimated a rough assessment of quantum if the case is seriously pursued as follows:-

General Damages	\$10,000.00	to \$25,000.00
Economic Loss	\$5,000.00	to \$10,000.00
Medical reimbursement	<u>\$5,000.00</u>	to <u>\$40,000.00</u>
	<u>\$20,000.00</u>	to <u>\$40,000.00</u>

to then be discounted having regard to:-

1. Time limitation arguments.
2. Whether the correct defendant has been sued.
3. Abuse of process arguments.

Allowing for a fair margin for contingencies, we had previously assessed maximum potential exposure as \$123,000.00 (refer our letter of 3 December 1999).

As you would appreciate, a commercial settlement of this matter would probably set a precedent for similar matters and, in particular, those other matters where the plaintiff is represented by the same solicitors, i.e. the other Father Derriman claim, the Father McKeirnan claim and the Marist Bros matters in relation to Mr Marsh. We remain of the opinion that Mrs Isaacs has time limitation difficulties, however, in the meantime we continue to incur legal costs as the action is progressed. (There has apparently been a recent decision, in favour of the plaintiff, on the time limitation point of which we hope to obtain a copy today. We will let you know if that decision effects our views in this regard).

We would be most obliged if you could telephone our Mr Moore so that we may discuss.

Yours faithfully

Encl

cc Father Spence