

# Deacons



(incorporating Dumbill Madden Butler)

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Your Ref: K Mole  
 Our Ref: PDG  
 Contact: Paul Gamble  
 Direct line: 8686 6234  
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18 May 2001

**Attention: Karen Mole**  
 Claims Officer  
 Catholic Church Insurances Limited  
 DX 35077  
 SOUTH MELBOURNE

Dear Karen

**ARCHDIOCESE OF BRISBANE ATS REDACTED CLAIM NO. 1888239**  
**ARCHDIOCESE OF BRISBANE ATS REDACTED CLAIM NO. 1888247**

Thank you for your letter of 7 May 2001 concerning the above matters.

We have now retrieved our files from storage and reviewed them.

We note that the plaintiffs, in each of these cases, was represented by Mr Peter Deed of Cranston McEachern Lawyers of Brisbane.

In each of the cases both REDACTED and REDACTED signed a release which included a confidentiality clause. You already have copies of the releases with those clauses attached, so we will not recount them here. We note however that they are permitted to discuss the matter with a limited group of people pursuant to clause 4 of the operative part of the Deed, however, each gives an undertaking to use their best endeavours to ensure that the matters are not discussed beyond that limited grouping.

In the present instance it seems however, that it is REDACTED and REDACTED solicitor who has sought to influence your representatives in circumstances where they understandably had no knowledge whatsoever of the settlements in these two matters.

At first blush we do not believe there has been any breach of the Deed of Settlement by REDACTED or REDACTED. We doubt they are even aware that Mr Deed has used their cases as examples in relation to the present matter, and would probably be horrified if they were aware.

What we find reprehensible is Mr Deed's apparent willingness to misrepresent the settlement achieved in each of the cases. As you correctly point out in your letter of instruction to us, the settlement was in REDACTED case \$40,000 all-

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inclusive and in **REDACTE** case \$35,000 all-inclusive, a total of \$75,000. This is contrary to the way it would seem it was put to your client's solicitors in Brisbane.

We would be inclined, now that the cat is out of the bag, to advise your current solicitors of the outcome of those claims. We do not believe there is any prohibition in the material that we have seen that would prevent you from doing so given that those solicitors act on behalf of the Archdiocese.

We would then be tempted to utilise the true settlement figures to demonstrate the parity between the current offer being made and previous settlements effected.

We think that a copy of the decision of the Western Australian Supreme Court in *Smith v Archbishop of Perth* ought to be provided to Mr Deed with an indication that unless his client accepts the offer made, the matter will be litigated and lost along the same lines as the Western Australian claim.

Finally, it might be appropriate for us to write to Mr Deed indicating, with a degree of bluff and gusto, that it has come to our attention that **REDACTED** and **REDACTED** may have breached the terms of their settlement deed by disclosing settlement sums to a third party, a victim of Fr Derriman who is currently bringing a claim against the church.

We look forward to receipt of your instructions in due course.

Yours faithfully



Paul Gamble  
Partner  
Deacons