

John Usher

From: Stephen Rushton SC [srushton@selbornechambers.com.au]
Sent: Wednesday, 24 August 2005 7:17 PM
To: John.Dalzell@corrs.com.au; John Usher; Michael Casey
Cc: Paul.McCann@corrs.com.au; Hannah.Vozzo@corrs.com.au
Subject: RE: Ellis - URGENT

Good heavens ! How did that happen. I think our clients need to be very very careful how this is handled. Whatever her role in father McGloin we are snookered. However on the basis of what I have seen there is unlikely to be further damage caused by Mrs Ellis. Accordingly at the moment I think it is best left to the bear pit (aka. the Court) to sort this out. I very much suspect, despite our many expressions of bewilderment as to what further evidence the Plaintiff could possibly lead, that he will put on further evidence re the estoppel point and the "impact" of the SA evidence. Accordingly if we need to attack we can probably do it through him or it absolutely, and I mean absolutely, necessary we might seek leave to ask Mrs Ellis some questions (although this will throw open the whole issue of whether the case is over except for the "proper defendant" issue). Sorry for rambling on. My advice is that she should not be approached at this point. I believe that Patten AJ is on side but that could change if something is done which might be misinterpreted. That said she ought to be closely watched.

Kind regards
 Stephen Rushton

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-----Original Message-----

From: John.Dalzell@corrs.com.au [mailto:John.Dalzell@corrs.com.au]
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Subject: Ellis - URGENT

Dear Fr John and Michael

I have now reviewed the subpoenaed documents produced to the Court by the Diocese of Broken Bay.

Something that I think you should be aware of is the role played by John Ellis' estranged wife, Nicola.

Nicola is currently employed in the Catholic Schools Office of Broken Bay. It is clear that she has been active in the investigation of Father Michael McGloin. Specifically, Nicola has reviewed all of the complaint files against Fr McGloin (both at Broken Bay and Parramatta), advised CCER on their reporting obligations and advised the Diocese as to the problems with screening, appointing and supervising of Fr McGloin. In short, Nicola Ellis has, through her position at Broken Bay, collated significant information about Fr McGloin.

Fr McGloin is to be joined as a defendant in the Ellis proceedings. Nicola has been in Court to listen to the proceedings and has put on an affidavit which has been accepted into evidence in support of the Plaintiff's case. One of the important issues in this matter will be whether Fr McGloin was acting as an agent or servant of the Archdiocese when he received the complaint form SA .

I am concerned that there will be a conflict between Nicola's role at Broken Bay and her involvement in the current case.

Perhaps Paul and I could telephone you to discuss this issue when you have a moment.

Kind regards

John Dalzell

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