

John Usher

From: John.Dalzell@corrs.com.au
Sent: Tuesday, 16 August 2005 2:23 PM
To: John Usher; Michael Moore
Cc: Michael Casey
Subject: Ellis -(Confidential & Privileged)

Dear Fr John and Michael

The Ellis matter was back before Acting Justice Patten sitting at the Supreme Court of NSW this morning.

The hearing was to determine whether a subpoena issued to CCI should be set aside with a collateral argument that the most recent Notice to Produce sent to us should also be set aside.

The Plaintiff was represented by Mr Royle of counsel, CCI were represented by Rod Smith SC and Michael Jones and we were represented by Stephen Rushton SC. Fr McGloin's lawyers (Carrol & O'Dea) were also in court however did not seek to make any representations at this stage.

Upon hearing argument by the parties, the Judge reserved his judgment. This will probably be handed down either at the end of this week or early next week.

If the Plaintiff fails in getting any documents from CCI pursuant to the subpoena, they will be liable for CCI's costs which will be assessed immediately. The importance of this is that a costs order against the Plaintiff (probably in the range of \$20-30,000) might make him think twice before engaging in another fishing expedition either with regard to the Archdiocese or a third party.

In the meantime, I will answer the latest request for information from the Plaintiff's solicitors and to that end may need to take further instructions from you.

Please contact me if I can provide any further information.

I will be out of the office in Melbourne this afternoon, but can be reached on 0403932474

Kind regards

John Dalzell

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