

Dr Steven Lovell-Jones

From: John.Dalzell@corrs.com.au
Sent: Wednesday, 23 May 2007 10:11 AM
To: John Usher; Michael Casey; Michael Moore; MWright@ccinsurances.com.au
Cc: WYDCorpAffLIST Paul McCann; Anna Ross - Corrs
Subject: Ellis - Appeal decision imminent

Dear Fr John, Marita and Michael

We have just this moment heard that the Court of Appeal will be handing down its judgment on the Ellis matter at 10:15 tomorrow.

Predictably, the timing is terrible as about 3 hours later I will be boarding a plane to fly to Ireland.

I will be in touch as soon as I have the result. I have recently discussed the strategy management issues with Paul McCann Anna Ross who will deal with this in my absence.

If we are unsuccessful, we may wish to consider a special leave application to the High Court. Anna will instruct senior counsel to prepare a short written advice on the merits of any further appeal in this matter should this become necessary.

Also, there may be some media fall-out if Ellis is successful. From past experience, the most likely source will be the Australian newspaper. Again, I will have Anna, in collaboration with the Chancery, prepare a short statement which can be circulated as necessary. It goes without saying that if unsuccessful on any element of the appeal, we can limit the exposure by reference to the particular facts and evidence that was before the Court. If we are successful on limiting the liability of the Trustees, as I predict we will, we also might wish to make a short press statement of our own.

There are other issues that will need to be addressed, such as costs, but we will have time to consider our position on this.

Like I say, I will contact you as soon as I have the judgment.

Kind regards

John


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