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Date Sent: Tuesday, 27 November 2007 11:44:19

Date Received: Tuesday, 27 November 2007 11:44:16

To: Marita Wright<MWright@ccinsurances.com.au>; Michael Casey</O=FIRST ORGANIZATION/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=MCASEY>; Michael Moore</O=FIRST ORGANIZATION/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=MICHAEL>; John Usher</O=FIRST ORGANIZATION/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=JUSHER>; Danny Casey</O=FIRST ORGANIZATION/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=DCASEY>

CC: WYDCorpAffLIST Paul McCann</O=FIRST ORGANIZATION/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=WYDCORPAFFLISTPAULMCCANN>

BCC:

Subject: Ellis - Costs - Privileged and confidential

Attachment: ATT1379009.gif

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Dear Marita and others

Now that this matter is concluded, you should consider your position in relation to costs. There are cost orders in favour of the Cardinal and the Trustees at first instance and on appeal.

There will be a reduction applied when the costs are assessed, however, the recoverable amount is likely to be in the region of \$500,000-\$600,000 (being 65%-75% of the costs expended on the matter). The Cardinal's costs at first instance have already been assessed to be approximately \$200,000 (by Alyson Ashe, the former Costs Registrar of the NSW Supreme Court)

There are a number of factors to be considered in pursuing the costs of these proceedings, including the possible negative publicity that may arise if the plaintiff takes this to the press. There is also the overriding issue of the plaintiff's ability to pay the costs. On the other hand, the Church may want to demonstrate (publically if need be) that it will take steps to recoup its costs and that plaintiffs cannot expect to litigate with the unwritten insurance policy that the Church will not pursue its costs if they lose.

I understand that the plaintiff is currently working as a lawyer for the solicitors who represented him in these proceedings, David Begg & Associates. He is therefore likely to have a salary that may be garnished to recover the costs. There are a number of investigative steps that I could carry out and I would be happy to advise you as to the most efficient method of establishing his financial circumstances before you make the decision to enforce the costs order.

I will await your instructions in this matter.

Finally, I have attached a link to the High Court's transcript of the special leave application.

Kind regards

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