

L A W Y E R S

11 February 2002

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<b>To:</b> Mr Philip Wotton Wotton & Karney	Facsimile: 02 9236 9500 Telephone:
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Dear Sirs

**BRISBANE GRAMMAR SCHOOL - CLAIMS BY VARIOUS FORMER STUDENTS**

I refer to our fax of 13 December and subsequent discussions.

Phil, after we discussed the matter this morning, you left a message enquiring whether the proposed meeting could be in Sydney. I personally have no objection to that. My concern is to have the meeting so as to provide any further information each of you may require. I spoke to Ron Ashton. As you would expect there would be more time available at this end if the meeting is in Brisbane.

If the meeting is to be in Sydney then the only time both Ron and I would be available is first thing Wednesday, 20 February, because Ron has to be back in Brisbane by the middle of the day.

If the meeting is in Brisbane then Ron and I would both be available at the following times:

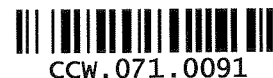
Monday 18<sup>th</sup>, 10.00 am – 12.00 noon and 2.30 pm for the remainder of the day

Tuesday 19<sup>th</sup> – no availability

Wednesday 20<sup>th</sup> – all day

Thursday 21<sup>st</sup> – all morning

Friday 22<sup>nd</sup> – no availability.

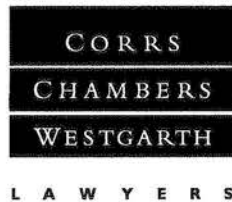


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THIS LIMITATION OF LIABILITY APPLIES TO CLAIMS THE PROPER LAW OF WHICH IS THE LAW OF NEW SOUTH WALES.



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Minter Ellison

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**BRISBANE GRAMMAR SCHOOL - CLAIMS BY VARIOUS FORMER STUDENTS**

Phil, could you please confirm your availability for those times.

In the meantime, Phil has requested details of my discussions with AON personnel so as to establish that ACE was on risk in a particular year. I will provide that within the next couple of days.

If either of you require further information prior to the meeting then please let me know.

The current position is that Shine Roche McGowan, on behalf of two of the claims which are proceeding, requested that we confirm by Wednesday, 13 February our client would not be relying on the limitation defence and that otherwise they would issue an application for an extension of the period of time. We therefore issued applications in those two matters for the claims to be struck out on the basis of the limitation defence and, in the alternative, for those parts of the claim relying upon breach of fiduciary obligation and breach of the Trade Practices Act to be struck out as failing to disclose a cause of action. Those applications are listed for hearing on 21 March although we anticipate cross-applications for extensions of the limitation period may mean that they will be transferred to the Civil List. In addition, we have issued the same application for hearing on the same day in the BQA matter which is being dealt with by solicitors other than Shine Roche McGowan. We issued in that matter because BQA faces obstacles in obtaining an extension of the limitation period.

Yours sincerely

A handwritten signature in black ink, appearing to read 'David Abernethy', written in a cursive style.

**David Abernethy**  
Partner

PS We have since spoken and confirm the meeting at our office in Brisbane at 10.00 am on Wednesday, 20 February (subject to final confirmation from Phil tomorrow).

Handwritten initials in black ink, possibly 'DA', written in a cursive style.

