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WITHOUT
PREJUDICE

BRISBANE GRAMMAR MATTERS

PROPOSED FRAMEWORK FOR ADR

U0189

Preliminary Matters

- * Statements of Claim for each of the plaintiffs herein be served within seven (7) days of the defendant's written undertaking not to file and serve a Defence to each of the plaintiffs' claims until such time as the hearing and determination of applications to extend time in the matters of REDACTED (S3738 of 2001) and REDACTED (S3739 of 2001).

Ground Rules

- * ADR regime to include all claims issued on behalf of the various plaintiffs herein.
- * The settlement of each claim to be conditional upon "all" claims, for which proceedings have been issued, reaching settlement at mediation ("all or none").
- * None of the plaintiffs to attend at the mediation unless it be agreed between the parties that good reason merits the individual plaintiff's attendance.
- * Subject to the above, the plaintiffs are agreeable to the following :-
 - (i) complete media ban pending completion of the ADR process;
 - (ii) upon settlement of "all" claims, each plaintiff to abide by a confidentiality clause in relation to the terms and performance of any settlement reached .

Medical Evidence

- * Within seven (7) days of the date hereof, 3 April 2002, the parties to reach agreement on the appointment of a psychiatrist to complete medical examinations of all plaintiffs by 30 June 2002, with reports to be provided shortly thereafter.
- * Upon the appointment of an agreed psychiatrist, a letter of instruction to be drafted listing agreed issues to be addressed in the medical evidence, inter alia:-
 - (i) the period the claimant attended at Brisbane Grammar;
 - (ii) the period of alleged abuse;
 - (iii) extent and nature of abuse;
 - (iv) extent and nature of injury/diagnosis;
 - (v) impact of injury on plaintiff's employment capacity.
- * The cost of and incidental to the medical examinations to be borne by the defendant.



CCW.070.0477

Setting Down/Duration

- * All matters to be set down for mediation for the two (2) week period commencing 5 August 2002.

Note: It is anticipated that the medical reports will have been received in good time prior to this date.

- * Seven (7) days prior to the commencement of the mediation the plaintiffs' to provide the defendant with a list setting out the order in which the claims are to be mediated.
- * At the commencement of the mediation process, the plaintiffs representatives to make their submissions on issues common to all claims herein in respect of limitation and liability;.
- * The defendants representatives to follow with their submissions in reply.
- * Day 1 of the process to accommodate the respective parties' submissions.
- * The balance of the two (2) week period ,following discharge of the matters referred to above, to be allocated to the mediation of each of the claims in the order that they appear in the plaintiffs' list.

Exchange of Information Prior to Mediation

- * Fourteen (14) days prior to the commencement of the mediation process, the defendant to be provided with a quantum schedule for each claim. The schedule to detail inter alia:-
 - (i) heads of damage together with an explanation of how each head of damage is calculated;
 - (ii) the plaintiffs' assessment of each head of damage claimed;
 - (iii) documentation in support to be provided including: tax returns; group certificates; and medical records if appropriate.
- * Seven (7) days prior to the commencement of the mediation process, the plaintiffs be provided with a quantum schedule for each claim. The schedule to detail inter alia:-
 - (i) heads of damage together with an explanation of how each head of damage is calculated;
 - (ii) the defendant's assessment of each head of damage claimed;
 - (iii) any documentation in support to be provided.

Costs and Funding

- * The defendant to meet the cost of the ADR regime/mediation.

