

"A"

Our reference  
PRMJJD/CATH4300-9006837

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20 December 2004

This and the <sup>following</sup> preceding 2 pages comprise the  
annexure marked "A" referred to in the annexed  
affidavit of John Andrew Ellis  
sworn at Sydney this 17 day of Dec  
2004 before me:

David Begg & Associates  
GPO Box 2155  
SYDNEY NSW 2001

*DAVID BEGG*  
SOLICITOR

Contact  
John Dalzell (02) 9210 6160  
Email: john.dalzell@corrs.com.au

Partner  
Paul McCann

Dear Mr Begg

### John Andrew Ellis v His Eminence Cardinal George Pell & The Trustees of the Roman Catholic Archdiocese of Sydney

We refer to the above matter and **attach**, by way of service, our Notice Disputing Facts and Authenticity of Documents.

By way of clarification, we make the following observations.

1. We dispute that the Third Defendant was engaged as a priest in the service of the Archdiocese of Sydney. The Third Defendant was a member in the Order of St. Benedictine. Between 1974 and 1990, the Third Defendant was on a period of extended leave (exclaustration) from Fort Augustus Abbey, Scotland. The Third Defendant was not in fact granted leave to be freed from his obligations to the English Benedictine Congregation until 20 September 1990 and was not formally incardinated as a priest of the Archdiocese of Sydney until 27 December 1990.
2. The Plaintiff did not make a 'claim' upon the First and Second Defendants on 3 June 2002. The Plaintiff did make a formal statement of complaint to the Catholic Church on that date, however did not actually make any claim upon the First and Second Defendants until the service of the statement of claim in these proceedings on 1 September 2004.
3. The Deed of Release attached to the Plaintiff's affidavit and marked "D", was not provided to the Plaintiff for and on behalf of the First and Second Defendants.

If you have any queries, please contact John Dalzell on (02) 9210 6160.

Yours faithfully

*PP Dalzell*

Paul McCann  
Partner

**IN THE SUPREME COURT OF  
NEW SOUTH WALES  
SYDNEY REGISTRY  
COMMON LAW DIVISION**

**FILE NO:** 20308 of 2004

**NOTICE DISPUTING FACTS  
AND AUTHENTICITY OF  
DOCUMENTS**

Filed for: **His Eminence Cardinal  
George Pell Archbishop of Sydney  
and the Trustees of the Roman  
Catholic Church**

**JOHN ANDREW ELLIS**  
Plaintiff

**HIS EMINENCE CARDINAL  
GEORGE PELL**  
First Defendant

**THE TRUSTEES OF THE ROMAN  
CATHOLIC CHURCH**  
Second Defendant

**REVEREND AIDAN DUGGAN OSB**  
Third Defendant

**CORRS CHAMBERS WESTGARTH**  
Lawyers  
Level 32, Governor Phillip Tower  
1 Farrer Place  
SYDNEY NSW 2000  
AUSTRALIA

S/3436623/1

The First and Second Defendants dispute the following facts specified in the Plaintiff's notice dated 10 December 2004:

- 1 That the Third Defendant sexually abused the Plaintiff between 1975 and 1987 as set out in paragraphs (a) and (b) of the particulars to paragraph 16 of the Statement of Claim in these proceedings.
- 2 That the Third Defendant was at all relevant times engaged as a priest in the service of the Archdiocese of Sydney.
- 3 That the Plaintiff made a claim upon the First and Second Defendants on 3 June 2002 through the Towards Healing protocol as adopted by the First and Second Defendants.

The First and Second Defendants dispute the authenticity of the following documents which were specified in the Plaintiff's notice (or list of documents) dated 10 December 2004:

- 1 The form of Deed of Release attached as annexure "D" to the affidavit of John Andrew Ellis filed and served on 12 November 2004 being the form of deed provided to the plaintiff by Mr Raymond Brazil for and on behalf of the First and Second Defendants on or about 9 July 2004.

The First and Second Defendants admit:

- 1 That an assessor under the Towards Healing protocol was appointed on 26 June 2003.
- 2 That the assessor's report was submitted to the First Defendant on 24 November 2003.
- 3 That a facilitation meeting was held on 20 July 2004 under the Towards Healing protocol.
- 4 The document titled "Towards Healing Principles and Procedures in Responding to Complaints of Abuse of Personnel of the Catholic Church of Australia December 2000".
- 5 The Plaintiff's Notice of Complaint under the Towards Healing protocol dated 3 June 2002 attached as annexure "B" to the affidavit of John Andrew Ellis filed and served on 12 November 2004.
- 6 The report by Mr Michael Eccleston under the Towards Healing protocol dated 24 November 2003.

DATED: *20 December 2004*

  
.....  
Paul McCann

Solicitor for the First and Second Defendants