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23/09/2005 11:25 AM

cc: Paul McCann/Sydney/CORRS/AU, Anna Ross/Sydney/CORRS/AU  
Subject: Re: Ellis

Dear Fr John and Michael

We attended the Supreme Court of NSW this morning to receive the judgment of Patten AJ on the subpoena that was issued to CCI and the Notice of Motion that was issued to us.

The Judge has struck out most of the paragraphs of the Notice to Produce and the subpoena, but has given the Plaintiff leave to have some documents, subject to privilege.

**Attached**, is the Notice to Produce and the written judgement. Relevantly, the only documents that we are to produce are those sought at **paragraph one** of the Notice: correspondence between officers of the Archdiocese and Lesley Hirten of CCI between 3 June 2002 and the present. I have copied in Anna Ross, who I am hoping will have time to look at the correspondence file at the Chancery Office to search for these documents.

Importantly, the Judge made some interesting observations in his written reasons for judgment. At paragraph 2, he seems to confirm that there is no cause of action after the Plaintiff reached 18 years. Moreover, at paragraph 20, the Judge notes:

*"...there is no suggestion that the first Defendant, the present Archbishop, played any part at all in the events which give rise to the Plaintiff's cause of action".*

It is highly probable, therefore, that whatever the outcome of the limitation argument, the case against His Eminence Cardinal Pell will be struck out.

As for the Trustees, at paragraph 17 of the judgment, Patten AJ states:

"[Section 4(3) of the Act empowers The Trustees] to conduct activities far beyond that of a bare Trustee of property. This case is not concerned, however, with such activities but with the conduct of an assistant priest in a parish church"

Without wanting to seem prematurely optimistic, the Judge appears to be leaning towards our argument on the proper defendant point.

I will of course keep you informed of any further developments in this matter.

Kind regards

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