

John Dalzell ext-6160

To: "Michael Casey" <mcasey@ado.syd.catholic.org.au>

cc: Paul McCann/Sydney/CORRS/AU

Subject: Ellis - Privileged and Confidential

29/03/2006 09:57 AM

Dear Michael

Further to our discussions at the end of last week, I **attach** a short summary of our appeal which gives little detail over and above the messages that we would want to convey. We should run this past Tracey Cain if you are happy with the form of words. Much, if not all, of the wording comes from the judgment of Patten and the plaintiff's statement of claim. Perhaps you can give me a call to discuss this.

Finally, we have recently received a request from the plaintiff's solicitor, David Begg, to enter into mediation. In my opinion, this is premature at least until the resolution of our appeal. I suspect that the plaintiff, who now faces the prospects of proving his case at trial and a costs order against the Cardinal, is hoping that we will now settle the matter. With your instructions, I will inform Begg that we intend to appeal and therefore mediation is inappropriate at this stage.

Kind regards

John