

John Dalzell ext-6160

15/03/2006 05:23 PM

To: "Michael Casey" <mcasey@ado.syd.catholic.org.au>
 cc: "Danny Casey" <danny.casey@ado.syd.catholic.org.au>, "John Usher" <john.usher@ado.syd.catholic.org.au>, "Michael Moore" <mmoore@ado.syd.catholic.org.au>
 Subject: RE: Ellis - costs argument

Michael

I have talked to Tracey Cain about this and she doesn't really remember much about this case. It might be better if you direct any questions about the application or the case generally to me.

I would be happy to write a press statement if this is what is requested/required.

My mobile is 0403 932474, please call any time.

Kind regards

John

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



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

15/03/2006 04:27 PM

To: <John.Dalzell@corrs.com.au>
 cc: <MWright@ccinsurances.com.au>, "John Usher" <john.usher@ado.syd.catholic.org.au>, "Danny Casey" <danny.casey@ado.syd.catholic.org.au>, "Michael Moore" <mmoore@ado.syd.catholic.org.au>
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FYI: Marita Winters at our media office received a call this afternoon from the Australian, who, aware of a decision being handed down, were seeking from US a repeat of the quote that Ellis's lawyer Begg made late last year about priests having "a contract with God". They seem to think that Begg is our lawyer and was stating our position.

Marita will correct this misunderstanding on the Australian's part later this afternoon and redirect them to Begg. We may need to think of what we would like to say if they eventually think to ask us for comment on the decision.

MC

-----Original Message-----

From: John.Dalzell@corrs.com.au [mailto:John.Dalzell@corrs.com.au]
 Sent: Wednesday, 15 March 2006 3:43 PM
 To: mcasey@ado.syd.catholic.org.au "John Usher" john.usher
 Cc: MWright@ccinsurances.com.au
 Subject: Ellis - costs argument

Dear All

I appeared in the Supreme Court this afternoon to instruct Stephen Rushton SC on the costs argument in Ellis.

As usual, the plaintiff (himself as opposed to his lawyers) prepared a voluminous bundle of documents and 16 pages of submissions in support of his application to have his costs of the application paid by the defendants (on an indemnity basis).

After hearing the argument on both sides, His Honour reserved judgment on the matter.

Although under the Court Rules costs are discretionary, I would anticipate that His Honour will make the following order:

Plaintiff to pay Cardinal Pell's costs of defending the application to extend the limitation hearing; and
The costs, as between the Trustees and the plaintiff, to be the costs in the cause (in other words, the costs payable to the successful party at the conclusion of the hearing).

If costs are ordered against the plaintiff in respect of the Cardinal's defence of the application, we will instruct a costs assessor to prepare a formal bill of costs to present to the plaintiff. From the plaintiff's submissions on costs, it is apparent that he will not agree to any figure for costs that we may present to him.

I will, of course, notify you as soon as judgement is handed down.

Any award of costs against the plaintiff will have serious implications for him and his continued funding of the action. I will discuss this issue if it becomes relevant.

Kind regards

John Dalzell

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