

Our reference  
PRM/JD/CATH4300-9006837

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29 July 2005

Mr Joe Buccii  
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Dear Mr Buccii

## **John Andrew Ellis v. Cardinal George Pell & the Trustees of the Roman Catholic Church**

Further to my letter to you dated 12 May 2005, I can confirm that the above matter came before Associate Justice Patten sitting in the Supreme Court of NSW on 25 July 2005. The hearing lasted four days and for the following reasons was adjourned part heard until **12 August 2005**.

The Plaintiff was represented by Dr Andrew Morrison SC and Richard Royle. The First and Second Defendants were represented by Stephen Rushton SC and Richard McHugh, the Third Defendant (now deceased) was unrepresented.

The following persons were called on behalf of the Plaintiff:

- (a) John Andrew Ellis;
- (b) John Hunter Murray (Psychoanalyst); and
- (c) Ralph Pliner (former Partner at Baker & McKenzie Lawyers).

The following persons gave evidence for the First and Second Defendants:

- (a) John Dalzell (Corrs Lawyer); and
- (b) Father John Usher (Chancellor).

The Plaintiff's witnesses were cross-examined at some length as to their knowledge of the nature and extent of the Plaintiff's alleged injury. The witnesses for the First and Second Defendants gave evidence to the effect that it would not be just and reasonable for the Court to exercise its discretion and extend the limitation period.

Unfortunately, on Thursday morning, a potential witness who had read about the proceedings in the newspaper came forward with a sworn affidavit that he too had been abused by Father Duggan and had reported this fact to the Dean of St Mary's Cathedral in 1983. This complaint was allegedly made during the period of Ellis' abuse. In short, this fresh allegation would suggest that the Archdiocese (or its agent) was on notice of Duggan's predilection for young men and did nothing to stop it. Unfortunately, the priest to whom the latest complaint was made, Father Michael McGloin, also appears to have

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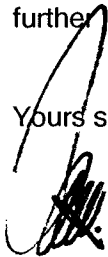
antecedents for boundary violations and child sexual abuse. It is unlikely, therefore, that Father Michael McGloin, will be putting on an affidavit in this matter.

The hearing was adjourned until 12 August 2005 to allow the new witness to depose an affidavit and to allow the Defendants to investigate the new allegations.

There is an offer of compromise in this matter, received by Corrs on 6 December 2004 for \$750,000 plus costs. No counter-offer was made and the offer was rejected.

I will keep you informed of any further developments in this matter, if you require any further information please contact me on (02) 9210 6160 or john.dalzell@corrs.com.au.

Yours sincerely



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