

Our reference  
PRM/JD/CATH4300-9006837  
Your reference  
114/04

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6 October 2004

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**Partner**  
Paul McCann

Dear Mr Begg

**John Andrew Ellis v His Eminence Cardinal George Pell & The Trustees of the Roman Catholic Church & Fr. Aldan Duggan**

We refer you to our letter dated 28 September 2004 to which we note, we have not yet received a response.

Moreover, the plaintiff still has not yet filed any evidence in support of this application. As previously advised, we intend to oppose any application to have this matter decided on 25 October 2004 in the absence of sworn evidence as to why such leave ought to be granted, and that evidence being served within a reasonable period of time prior to the intended hearing date. A reasonable period has now expired. In any event, we would certainly wish to cross examine the Plaintiff on his evidence and in this regard would be seeking from the court a special fixture to enable this cross examination to take place. You can assume that the cross examination would be extensive and that several days would be required for that purpose.

To that end, we would ask that you consent to the following short minutes of order:

- 1 The plaintiff to file and serve any affidavits in support of his application by 1 November 2004;
- 2 The defendants to file and serve affidavits in reply (if any) by 15 November 2004; and
- 3 Matter to be re listed before the Registrar for the purposes of fixing a date for hearing on first open date thereafter.

6 October 2004

David Begg & Associates

**John Andrew Ellis v His Eminence Cardinal George Pell &  
The Trustees of the Roman Catholic Church & Fr. Aidan  
Duggan**

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With regards to the documents requested from the plaintiff in our letter dated 28 September 2004, if we have not received these by close of business 14 October 2004 we will seek the same by a notice to produce.

May I also take this opportunity to inform you that the Third Defendant, Fr. Duggan, passed away on 5 October 2004.

Yours faithfully

**Corrs Chambers Westgarth**

**Paul McCann**  
Partner