

Our reference  
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Governor Phillip Tower  
1 Farrer Place Sydney NSW 2000  
GPO Box 9925 NSW 2001  
Tel (02) 9210 6500  
Fax (02) 9210 6611  
[www.corr.com.au](http://www.corr.com.au)

**CORRS  
CHAMBERS  
WESTGARTH**  
lawyers

**FAXED**  
8 June 2007

Sydney  
Melbourne  
Brisbane  
Perth  
Gold Coast

By fax: 9232 5388

David Begg  
David Begg & Associates  
Suite 1504  
14 Martin Place  
SYDNEY NSW 2000

**Contact**  
Anna Ross (02) 9210 6904  
Email: [anna.ross@corr.com.au](mailto:anna.ross@corr.com.au)

**Partner**  
Paul McCann

Dear Sir

## **Ellis v Trustees of the Roman Catholic Church & Anor**

We refer to the above matter and the judgment of the Court of Appeal of 24 May 2007.

The judgment of the Court of Appeal represents a comprehensive victory for our clients. The decision clearly and correctly resolves the various points of law as to the issue of the "proper defendants" in dispute before the Court of Appeal. It is our view that there is no aspect of the decision which would be vulnerable to appeal.

Further, even if your client was successful in the High Court on the "proper defendant" points, limitation and factual issues would need to be either determined by the High Court itself or, more likely, remitted to the Court of Appeal with the possibility of a further subsequent special leave application. As such, even in the unlikely event that the High Court would otherwise be minded to consider the points of law raised by the case, these proceedings would be considered a most unsuitable vehicle.

Despite this, your client may be giving consideration to filing an application for special leave. Our clients have incurred significant time and costs in this matter and, undoubtedly, your client is in the same position. Indeed, the amount our clients are currently entitled to claim against your client, **after** taking into account discounts in the assessment process, we estimate is in the region of \$480,000 to \$550,000.

Unsurprisingly, our clients are reluctant that more time and cost be expended on this matter. For that reason, our clients are prepared to make an offer to your client that they forego the legal costs he is currently obliged to pay pursuant to the orders of the Court of Appeal in exchange for his agreement not to pursue an application for special leave. Should he accept this offer, your client would also be invited to re-enter Towards Healing. For obvious reasons, this re-entry would be on the basis that the pastoral and counselling aspects of the process would be available to your client but there would be no possibility of a monetary settlement. Our clients' offer will lapse on **21 June 2007**.

8 June 2007  
David Begg & Associates  
**Ellis v Trustees of the Roman Catholic Church & Anor**

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We look forward to your response.

Yours faithfully  
**Corrs Chambers Westgarth**

A handwritten signature in black ink, appearing to be "Paul McCann". The signature is stylized and somewhat cursive.

**Paul McCann**  
Partner