

Our reference
PRM/JD/CATH4300-9006837

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27 March 2008

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Partner
Paul McCann

Dear Peter, Marita and Michael

John Andrew Ellis v The Trustees of the Roman Catholic Church for the Archdiocese of Sydney

We have not received a reply from the Plaintiff in this matter to our requests for information relating to the Plaintiff's financial status. Indeed, other than suggesting that there is still an existing claim against the trustees, the Plaintiff has chosen to ignore our requests for information about his financial status. The Plaintiff's solicitor, David Begg, appears to be refusing to forward our requests to his client on the basis that he fears it may cause his client further psychological damage and increase the risk of self-harming yet he does not consent to on contacting the Plaintiff's treating doctor to confirm this.

Subject to your instructions, I would suggest that we now issue the Plaintiff with a formal Examination Notice pursuant to the Uniform Civil Procedure Rules 2005 Reg.38.1. Under this provision, we are entitled to pose a number of questions to the Plaintiff which tend to show the Plaintiff's true financial position. In addition, we can also require the Plaintiff to produce documents which are in his possession or control, such as bank statements, title deeds and the like.

If the Plaintiff chooses to ignore or refuses to answer these questions or produce such documents, we are then entitled to apply to the Supreme Court for an Order to examine the Plaintiff under oath as to his financial status.

In my opinion, the points raised in your facsimile to me of 13 December 2007 (which I entirely agree with) still remain good reasons why we should pursue Mr Ellis at least to the extent that we are armed with enough information to allow an objective analysis of his financial position and further consideration as to whether he should be pursued further. By issuing an Examination Notice, we are still avoiding the possibility of negative publicity for the Sydney Archdiocese and the Church generally as this is merely a preparatory step and does not cause him any actual financial hardship.

27 March 2008

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I will await your instructions.

Kind regards



John Dalzell
Senior Associate

cc **Marita Wright**, National Claims Manager, Catholic Church Insurances Limited
cc **Michael Moore**, Acting Business Manager and Financial Controller, Arch Diocese of
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