

Our reference
PRM/JD/CATH4300-9006837

3 February 2005

David Begg & Associates
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Contact
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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 Archdiocese of Sydney

We refer to the above matter and your facsimile dated 21 January 2005 regarding our Notice Disputing Facts and Authenticity of Documents.

We are instructed to reply as follows:

The Third Defendant was appointed as an assistant priest in the parish of Bass Hill on or about 1975. At the relevant time, between 1974 and 1986, the Third Defendant was not in the service of the Archdiocese of Sydney (the Archdiocese). As you will now know, having reviewed the discovered correspondence between the Archdiocese and the Order of St Benedict, the Third Defendant was at all relevant times, a member in the Order of St. Benedictine.

Between 1974 and 1990, the Third Defendant was on a period of extended leave (exclaustration) from Fort Augustus Abbey, Scotland. The Third Defendant was not granted leave to be freed from his obligations to the English Benedictine Congregation until 20 September 1990 and was not formally incardinated as a priest of the Archdiocese of Sydney until 27 December 1990.

Exclaustration is a commonly used introduction to give those serving with other religious orders the opportunity of experiencing life in the Archdiocese before any long term commitment is entered into.

Moreover, the Third Defendant did not receive holiday pay from the Archdiocese, nor was he subject to the disciplinary or promotion procedures of the Archdiocese. In all material respects, the Third Defendant was an active member of the Order of St Benedict. We direct you to the correspondence between the Abbott of Fort Augustus Abbey, Inverness-shire, and the Archbishop of Sydney as evidence of the above.

Regarding the assertion that the Plaintiff made a claim on the First and Second Defendants on 3 June 2002, we direct you to our letter dated 20 December 2004.

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The Trustees of the Roman Catholic Archdiocese of
Sydney**

The Deed of Release attached to the Plaintiff's affidavit and marked "D", was provided to the Plaintiff in response to his request to review a 'sample deed' for and on behalf of the Catholic Archdiocese of Sydney.

If you have any queries, please contact John Dalzell on (02) 9210 6160.

Yours faithfully

Paul McCann
Partner