



21 January 2005

BY FACSIMILE: (02) 9210 6611
 Corrs Chambers Westgarth
 Solicitors
 Governor Phillip Tower
SYDNEY NSW 2000

Your Ref: PRM/JD/CATH 4300-9006837
 Our Ref: ELL/114/004

Dear Sirs

JOHN ANDREW ELLIS v HIS EMINENCE CARDINAL GEORGE PELL & THE TRUSTEES OF THE ROMAN CATHOLIC ARCHDIOCESE OF SYDNEY

We refer to your letter of 20 December 2004, together with the Notice Disputing Facts and Authenticity of Documents. We are instructed to reply as follows:

1. We note that your clients dispute that Father Duggan was engaged at the relevant times as a priest in the service of the Archdiocese of Sydney.

Given the contents of paragraph 6 of the Statement of Monsignor Rayner and the documents that have now been produced by the first and second defendants on discovery, it appears to be very clear that from the time Father Duggan was accepted into the Archdiocese "ad experimentum" whilst on leave of absence from the Benedictine Order, he was engaged as a priest in the service of the Archdiocese of Sydney.

*specifics
 ? of engagement*

In light of this, we request that in order to avoid unnecessary legal costs, you reconsider the issue of the admission that we have sought and advise us of your client's position by 4.00pm on Monday 31 January 2005.

2. We note your observation that, in your opinion, our client made no claim on the first and second defendants on 3 June 2002. The Formal Statement of Complaint (the authenticity of which you admit) speaks for itself. It is our view that this is clearly a claim on the Church Authority. It was identified in later correspondence from employees of the second defendant to our client that the first defendant was the relevant Church Authority.
3. We note your assertion that the deed of release attached as Annexure "D" to our client's affidavit sworn on 10 November 2004 was not provided to our client on behalf of the first or second defendants. The deed was forwarded to our client by Mr Raymond Brazil on 9 July 2004. We seek your clarification by 4.00pm on

*do not
 X correct*

*? check
 capacity*



Monday 31 January 2005 as to what capacity the first and second defendants say Mr Brazil was acting in when he forwarded the document to our client.

We look forward to hearing from you on these matters.

Yours faithfully



David Begg
DAVID BEGG & ASSOCIATES

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