

**MONAHAN + ROWELL**

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LAWYERS

3 September 2004

By e-mail: [brayner@ado.syd.catholic.org.au](mailto:brayner@ado.syd.catholic.org.au)**PRIVATE & CONFIDENTIAL**

Monsignor Brian Rayner  
Archdiocesan Chancery  
Level 16, Polding Centre  
133 Liverpool Street  
SYDNEY NSW 2000

Dear Monsignor Rayner,

**SYDNEY ARCHDIOCESE ats JOHN ELLIS****Our Ref: pjm/40492**

I trust that you have received my telephone message to you yesterday concerning this matter.

I phoned just to confirm safe receipt of the documents faxed down to me by Dominic Cudmore, and to confirm that I had everything in hand. When I was told that you were not available, I discussed the matter with Dominic and he tells me that a detailed letter containing further instructions is on the way. This is excellent and obviously timely, given the institution of civil proceedings by Mr Ellis and the application which he has already now launched to extend the limitations period.

In my view, it is particularly important in this case that we marshal all available evidence of prejudice, and put up a strong defence to that application, so as to do whatever is reasonable and possible to "*head this case off at the pass*". That would leave us free to re-open settlement negotiations with Mr Ellis in a less frenetic and litigious environment, and hopefully resolve the claim without undue legal fees and cost.

In any event, I look forward (as always) to working with you to resolve this difficult claim.

Yours sincerely,

**Patrick Monahan****(Senior Partner)****MONAHAN + ROWELL**

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cc: Dominic Cudmore

In association with Colin Biggers &amp; Paisley - Sydney

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14 September 2004

Page 2

PS: I should draw to your attention that the action instituted by Mr Ellis specifically claims aggravated and exemplary damages. As you would appreciate, these are not covered by the policy, and (if sustained) would ultimately be the responsibility of the Sydney Archdiocese/Cardinal Pell.