



Paul McCann
ext-6232 (Partner)
Sent by: Julie Garner

To: mcasey@ado.syd.catholic.org.au
cc: "Dominic Cudmore" <dcudmore@ado.syd.catholic.org.au>
Subject: Strictly Private & Confidential

08/09/2004 03:53 PM

Bear Michael

Claim by John Andrew Ellis

Thank you for your instructions to act in this matter.

Richard Leder returns from leave tomorrow and so we hope to be in a position to respond to you on your query in relation to the Archdiocese of Melbourne's approach in similar matters at some stage tomorrow.

I would be grateful if you could confirm whether Colin Biggers & Paisley, or any other law firm nominated by Monahan & Rowell, has filed a Notice of Appearance on behalf of either His Eminence or the Trustees. If a Notice of Appearance has not yet been filed, we would advise that this should remain the case so that we are able to file the Notice ourselves once we are formally retained in this matter. In addition, there are some issues surrounding the "proper defendant" to the litigation that we would want to be comfortable with before filing such a Notice.

I have also considered the issue of Counsel to be retained in this matter. It should not be the usual "insurance hack" or "insurance club" counsel, with no disrespect to those members of the profession. What we are endeavouring to do is to "pull" this matter up before it gets started and the first opportunity to do that will be when leave is being sought to the filing of the claim out of time. Although the motion to obtain that leave is returnable on 25 October 2004 at 9.30am it is unlikely to be heard that day. The simple point is that no evidence in proper form has been filed as to why leave should be given and, once filed, we would want to cross examine Ellis strenuously on that material. For that application both senior and junior counsel should be retained, my recommendations and why, being as follows:

Stephen Rushton SC:

Stephen was admitted to the NSW Bar in 1986 and to Senior Counsel in 2000. Prior to his admission as a barrister, he was a Senior Associate in the litigation section of Clayton Utz before moving to the Office of the Director of Public Prosecutions. Stephen is considered one of the rising stars of the Senior Counsel ranks, noted for his incisive and direct cross examination style. Shortly stated, he doesn't shy away from asking the hard questions. Most recently, and acting for ASIC, he successfully committed the most senior executives of the collapsed HIH Group for trial. Stephen is well known to me and can be confidently recommended to act in this matter.

Richard McHugh:

The son of High Court Judge, Michael McHugh, Richard is considered one of the most gifted juniors at the Sydney Bar. Admitted in 1995, he has attained an enviable reputation which, I can assure you, has been well deserved. Like Stephen, Richard is well known to Corrs and to me, and can be confidently recommended to undertake this matter.

Could you let me know if you are happy with going with my recommendations in this matter.

Regards

Paul McCann

Partner
Litigation Division Leader

Sydney Partner-in-Charge
Corrs Chambers Westgarth
<http://www.corrs.com.au>
Phone: (02) 9210-6241
Fax: (02) 9210-6488

"Michael Casey" <mcasey@ado.syd.catholic.org.au>



"Michael Casey"
<mcasey@ado.syd.catholic.org.au>

03/09/04 17:45

To: <Paul.McCann@corrs.com.au>, <Anna.Ross@corrs.com.au>
cc: "Richard Leder" <Richard_Leder@corrs.com.au>, "Dominic Cudmore" <dcudmore@ado.syd.catholic.org.au>

Subject: Ellis

Dear Paul and Anna,

This email is to confirm that Cardinal Pell would like you to act for the Archdiocese in the matter brought by Mr Ellis against Fr Duggan.

Before we advise Monahans of this decision, I would be grateful if you could speak to Richard Leder, as we discussed, so that the approach we take is consistent with the one that Corrs takes on behalf of the Archdiocese of Melbourne.

Pls feel free to call me on the mobile over the weekend if this should be necessary. Otherwise we can pick the matter up next week.

with good wishes,

(Dr) Michael Casey
PRIVATE SECRETARY TO CARDINAL PELL

—