

SUPREME COURT OF NSW  
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**IN THE SUPREME COURT  
OF NEW SOUTH WALES  
SYDNEY REGISTRY  
COMMON LAW DIVISION**

File No. *20308* 2004

**PLAINTIFF'S DCM  
DOCUMENT PURSUANT TO  
PRACTICE NOTE 120**

Filed for  
JOHN ANDREW ELLIS

**JOHN ANDREW ELLIS**  
Plaintiff

**HIS EMINENCE GEORGE  
CARDINAL PELL  
ARCHBISHOP OF SYDNEY  
FOR AND BEHALF OF THE  
ROMAN CATHOLIC  
CHURCH IN THE  
ARCHDIOCESE OF SYDNEY**  
First Defendant

**THE TRUSTEES OF THE  
ROMAN CATHOLIC  
CHURCH FOR THE  
ARCHDIOCESE OF SYDNEY**  
Second Defendant

**REVEREND AIDAN  
DUGGAN OSB**  
Third Defendant

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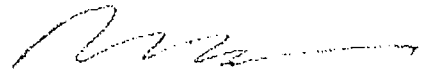
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8. Solicitor's statement as to damages
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1. The Plaintiff brings this claim against the defendants His Eminence George Cardinal Pell, The Trustees of the Roman Church for the archdiocese of Sydney and reverend Aidan Duggan OSB. The claim is made pursuant to both statutory and common law principles, and the plaintiff will rely upon a number of Australian and British authorities in support of his assertions that the defendants owed duties to the plaintiffs that they failed to discharge.
2. The Plaintiff was at all material times a parishioner either of the parish or of other parishes in the Archdioceses under the care and control of the First and Second Defendant. Between the years 1974 – 1979 the plaintiff was engaged by the Church as an alter server in the parish, which involved assisting the church in duties associated with the role of an alter person.
3. The First and Second Defendant, through their priests and other employees, failed to take reasonable care for the protection of the plaintiff from the foreseeable risks of sexual abuse and indecent assault by the Third Defendant. The First and Second defendant have a clear duty to undertake enquires into the Third Defendant before his acceptance in the role of assistant priest at the parishes. Furthermore, the First and Second defendant failed to provide supervision or adequate supervision of the Third Defendant in his dealing with the Plaintiff.
4. The First and Second Defendants gave access and control over alter servers in circumstances where the Third Defendant has had a history of pre-existing violence towards male students. As a result of the negligence of the First and Second Defendant, the Third Defendant repeatedly sexually abused the plaintiff.
5. Due to the negligence of the First and Second Defendant, the Plaintiff has suffered and continues to suffer psychological and psychiatric injury as a result of the Third Defendants actions.
6. The only Three (3) prospective tortfeasors capable of being identified by the plaintiffs have been joined to this action.
7. The plaintiffs are unaware of the indemnity status of the defendants.
8. The plaintiffs have made no other claim to other court or tribunal in relation to these factual matters.
9. This is a claim made by the plaintiffs for personal injuries which had occurred while the Plaintiff was an alter server in various parishes.
10. As solicitor for the plaintiff, I anticipate that:
  - a. Discovery of documents will be needed, especially the references which the defendant is required to keep, detailing the history of the Third Defendant in his appointment and on going relation with the Church, documentation in relation to the Third Defendants credibility and any complaints made against the Third Defendant and how the various defendants proceeded with such complaints.

- b. Interrogatories will be required, as the defendants needs to answer on oath a number of questions which require a sworn answer, particularly relating to the relationship between the priest and the church, the responsibility of the church when dealing with minors and what protocols were in place for these matters.
  - c. Expert evidence on damages, and on going damages particularly economic loss will be obtained. The evidence on liability will relate to the duty of care the First and Second defendant should have discharged when dealing with a minor, and duty of care owed to parishioners who are under the control of a third party appointed by the First and Second Defendant.
11. The claim made by the plaintiffs, being a personal injury claim. The plaintiff seeks damages including aggravated and exemplary damages.
12. This is not a claim made by the plaintiffs pursuant to the provisions of the Compensation to Relatives Act, or any death of any person.



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Solicitor for the plaintiff

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