

John Dalzell ext-6160

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

cc:

Subject: REDACTED

30/08/2005 05:57 PM

Dear Michael

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With regards the Ellis matter, please let me know if you want any further information. In summary, we are still awaiting the judgment of AJ Patten on an argument over a subpoena issued to CCI. CCI were represented by Rod Smith SC and Michael Jones; we were represented by Stephen Rushton SC. If the Plaintiff is unsuccessful in his application, there will be a costs order made against him. This will be assessed immediately (as CCI are not a party to the action) and will probably be in the region of \$40,000. This will make the Plaintiff think twice about sending any more requests for documents / answers.

As you may have heard, we have been bombarded with requests from the Plaintiff for documents and information. Michael Moore has been a great source of information in this respect and I am grateful for all of his help while you have been away. We have now taken a robust approach to this and required the Plaintiff to apply to the Court for any further documents.

Finally, we have received an amended statement of claim which seeks representative orders against the Archbishop and the Trustees. If successful, the Plaintiff would obtain an order making HE and the Trustees liable for and on behalf of the Archdiocese (for the purposes of this litigation only). I attach my first draft submissions on this subject. In short, this is a hopeless application.

We have been keeping CCI in the loop with regards Ellis and the other matters that we are running.

Perhaps I could give you a call when you have settled in to discuss Ellis REDACTED

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Kind regards

John

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Ellis