



Our ref: JDP:md:08019
Your ref: pjm/kjs/080243

Please Reply To:
Canberra Office

FAXED
29 September 2009

Monahan & Rowell Lawyers
DX 640
MELBOURNE

**'WITHOUT PREJUDICE
SAVE AS TO COSTS'**

Attention: Ms Helen O'Brien

By facsimile: 03 8624 2031

Dear Sirs

AAP

-v- Trustees of the Marist Brothers & ors – SC 657 of 2008

We are instructed to make an offer of settlement in the sum of \$300,000.00 plus costs and disbursements as agreed or assessed.

This offer will remain open for 28 days from the date of this letter at which time it will lapse and will no longer be available for acceptance.

Should this offer not be accepted and the Proceedings proceed to a judgment which exceeds this offer, our client reserves the right to produce this letter in support of an application for an Order that the defendants pay his legal costs incurred after the date of this letter on a indemnity costs basis.

When seeking this order our client will rely on the principles enunciated in Calderbank v Calderbank and the equivalent of the decisions of the High Court of Australia and Supreme Court of the Australian Capital Territory.

If you have any queries in relation to this offer, please do not hesitate to contact the writer.

Yours faithfully,
PORTERS LAWYERS


JASON PARKINSON
Principal

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