



O'BRIEN SOLICITORS

10 November 2014

Attention: Aaron Kernaghan
Kernaghan and Associates
4/2 Coombe St
Wollongong NSW 2000

BY HAND

Without prejudice save to costs

Dear Sir,

Re: Yoga Ashram Mangrove Mountain et al at
 APA [] APH [] APK []
 APK [] APL [] JYOTI [] Tim Clark

I refer to your client's offer made at the Royal Commission into Institutionalised Responses to Child Sexual Abuse made through you during proceedings on Wednesday 3 December 2014 and recorded at transcript reference: T:10981.3.

Further I refer to your client's opening statement made on Tuesday 2 December 2014 which set out in part at transcript reference: T:10854.38. I note from your client's opening statement at T:10857.18 and T:10855.7 your client's recognition of the need to be accountable and the willingness to "... continue to do whatever it can to redress and respect all survivors of abuse".

There is no doubt that the Royal Commission will determine that my clients have suffered, to various degrees and without particularisation: child sexual abuse by a person in a position of trust and who was the Australian leader of your client's organisation; prolonged physical abuse; unpaid physical labour; related long standing psychological and psychiatric disorders; loss of education opportunities; related past and future economic loss; and, on going need for counselling and therapy.

It is impossible to give an accurate assessment of the actual loss and damages maintainable in each instance at this time, but my clients are prepared to make an offer of compromise to bring to them some closure during the currency of these proceedings for a sum in total for each of them.

In an effort to quantify the damages as best possible, with some moderation to reflect the different standing for each of the claimants, and with reference to a each of the heads of damage available to be awarded, the claim is set out as follows:

General damages (as an action as an intentional tort unconstrained by the damage limitations in the Civil Liabilities Act 2002): \$250,000;

Aggravated damages (as the abuse was at the hands of a person in a position of trust, in an organisation where celibacy was preached): \$50,000

Exemplary damages (there can be no doubt a court will award damages in instances such as these to punish the organisation for showing a



contumelious disregard for the plaintiff's rights, to deter it from committing like
conducted again): \$200,000

Mental harm and ongoing treatment and counselling (for recognised
psychiatric illnesses that some have been diagnosed with including Post
Traumatic Stress Disorder; Adjustment disorders, and others): \$100,000

Past economic loss (for loss of opportunities caused by the mental harm or
the limited educational opportunities): \$200,000

Future economic loss (for the continued and on-going reduced ^{by} in income
earning capacity): \$200,000

The total compensation by way of the identifiable heads of damages as set out
above is \$1,000,000 per claimant.

Thus, I am instructed by all claimants to put to your client the following to settle the
issue of compensation and redress for the harm done to the claimants:

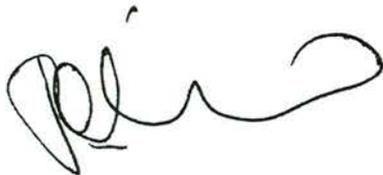
1. Your client pay each of the claimants the sum of \$1,000,000;
2. The parties enter into a Deed of Release and Settlement.

This offer will remain open until 4:00pm on 10 December 2014.

In the event that this offer is not accepted and should the claimants file a statement
of claim and then receive a more favourable result after a court hearing of the matter
then our client will rely upon this letter in support of an application for an order that
your client pay the claimants' legal costs on an indemnity basis in accordance with
Calderbank v Calderbank (1975) 3 All ER 333 and *Messiter v Hutchinson* (1987) 10
NSWLR 525.

I can be contacted on 02 9261 4281 or at peter.obrien@obriensolicitors.com.au

Yours Sincerely,



O'BRIEN SOLICITORS
Peter O'Brien