

IN THE SUPREME COURT OF VICTORIA  
AT MELBOURNE

No. 8505 of 1995

BETWEEN:

"I.D"

Plaintiff

- and -

KEVIN O'DONNELL

Firstnamed Defendant

- and -

THOMAS FRANCIS LITTLE ARCHBISHOP OF  
 THE CATHOLIC ARCHDIOCESE OF MELBOURNE

Secondnamed Defendant

FURTHER SUPPLEMENTARY AFFIDAVIT OF SOLICITOR

Deponent:  
 Sworn:  
 Filed on behalf of:

Rodney Matthews  
 3 / 10 / 1999  
 the Plaintiff

Prepared by:  
 Slater & Gordon  
 Solicitors  
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I, RODNEY MATTHEWS of **REDACTED** in the State of  
 Victoria, Solicitor, MAKE OATH AND SAY as follows:

1. I refer to my Affidavit sworn the 8<sup>th</sup> day of October, 1999 and the  
 supplementary Affidavit of **REDACTED** sworn the 14<sup>th</sup> July, 1999

*Nick G. Hearn*



and say that at present, REDACTED is unable to do a further Affidavit as he is in Perth, Western Australia.

2. The Plaintiff seeks leave to join Anthony Guelen.
3. In late 1998, the Plaintiff faxed me a Police statement made by REDACTED and purportedly signed by him on the 14<sup>th</sup> May, 1994. Now produced and shown to me and marked with the letter "RM-2" is a copy of that statement.
4. On the basis of this statement, I verily believe that there is evidence to support the contention that Guelen knew or ought to have known that the deceased was engaged in indecent behaviour with at least one young boy who was an altar boy at the deceased's parish and knew or ought to have known of the pedophile tendencies of the deceased.
5. I believe that Anthony Guelen was an ordained priest in the archdiocese of Melbourne and the basis of this belief is the statement of REDACTED and further a letter discovered from the second Defendant being a letter dated the 31<sup>st</sup> October, 1994 from Father Anthony Guelen to Monsignor Cudmore.

*Nicholas Han*



6. As a consequence of the above matters, I contend that there is evidence to support the contention that Anthony Guelen owed to the Plaintiff the various duties described in the proposed amended Statement of Claim as being general duties and fiduciary duties.

7. From the second Defendant's discovered documents and statements made to me by the Plaintiff, I believe that Father Guelen was in breach of these duties in failing to prevent the abuse.

SWORN by the Deponent at )  
Melbourne in the State of )  
Victoria this 8<sup>th</sup> day of )  
October 1999 )



Before me: ..... *Nicholas Hen* .....

*Holder A current practitioner  
under the Legal Practice Act  
1998*