

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

FILE NO: 20388 of 2000

**DEFENCE**

Filed for The Salvation Army

ET  
(formerly known as ET  
ET )

Plaintiff

LAWRENCE ALLAN  
WILSON

First Defendant

**THE SALVATION ARMY**

Second Defendant

PricewaterhouseCoopers  
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Lawyers  
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1. The Second Defendant admits the allegations in paragraphs 1, 2 and 3 of the Statement of Claim.
2. The Second Defendant admits that during the period from 1965 to 1975 the Plaintiff was in the care of the Second Defendant, but otherwise denies the allegations in paragraph 4 of the Statement of Claim.
3. The Second Defendant denies the allegations in paragraphs 4A, 5, 6, 7, and 8 of the Statement of Claim.
4. In answer to the whole of the claim founded paragraph 6 of the Statement of Claim, the Second Defendant says that such a claim is barred by reason of section 14 of the Limitation Act 1969 and that any proceedings should have been instituted prior to 24 April 1983.
5. In answer to paragraph 7 of the Statement of Claim the Second Defendant:
  - (a) denies that it acted as a guardian or was in loco parentis to the Plaintiff;
  - (b) denies that if it was in the position of guardian or a person in loco parentis to the Plaintiff that it owed any fiduciary duty to the Plaintiff;

- (c) denies that if it owed the Plaintiff a fiduciary duty, that it was in breach of that duty;
  - (d) denies that the Plaintiff's injuries for damage flowed from any breach of its fiduciary duty;
  - (e) denies that the Plaintiff's injuries flowed from any breach of its fiduciary duty (which is itself denied) gives rise to any claim for damages on the part of the Plaintiff;
6. In answer to paragraph 8 of the Statement of Claim the Second Defendant says that if the Plaintiff is entitled to recover such damages (which is denied) such damages can only be recovered in respect of the negligence of the Second Defendant pleaded in paragraph 6 of the Statement of Claim (which is denied).
7. In answer to paragraphs 4, 5, 6 and 8 of the amended Statement of Claim the Second Defendant says that the Plaintiff's claim for equitable relief is or should be barred by reason of laches.

### **Particulars**

These will be provided in due course.

FILED: August 2000

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Solicitor for the Second Defendant