

TSA - Grant
2/17663

SXR 2/17663

Melbourne

Shea Rowell

REDACTED

11 March 2009

Mr Graham Sapwell
The Salvation Army
Personnel Department
DX 35602
BLACKBURN

Dear Graham

Complaint by Steven Grant

We refer to the above matter.

During our conferences with Duncan Basheer Hannon on Friday 27 February in Brisbane, informal discussions were had in relation to the matter of Steven Grant.

Osborne family member - witness

Matt Degregorio informed us that one of David Osborne's children had contacted him and that he has subsequently met with this family member.

Mr Degregorio did not have instructions to pass on the specific details of their conversation, or which child he had met with. That said, he did disclose that this family member was present when Steven Grant left the Osborne household in Melbourne, which implies that he or she may know the details surrounding his departure, or at the very least witnessed the alleged beating Grant received.

As you may recall, Steven Grant alleges that the last time Osborne fondled him, he rebelled. Osborne then allegedly dragged Grant outside and beat him, before he was put on a bus and returned to Eden Park Boys Home.

Mr Degregorio also clearly stated that the family member had made their father aware that the meeting was taking place between them and the plaintiff's lawyer.

It is likely that this family member has agreed to act as a witness in Grant's matter should it go to trial. Obviously, having a family member testify to being a witness to an assault would be particularly damaging.

We note your instructions that the above has been put to David Osborne, again noting that he was supposedly aware that the family member had decided to speak to the other side. David Osborne denies any knowledge of any family members speaking to the plaintiff's lawyers.

We can not think of any reason why a family member would lie and state that his or her father knew of the meeting, when this was not the case.

As such, we cannot ignore the possibility that David Osborne is not being entirely truthful with us in this respect. As his legal representatives in this matter, this makes our task of defending this matter, and this officer, very difficult. Had David Osborne been aware that a family member was to speak to the plaintiff's lawyers, we should have been made aware of this, and not surprised with the information in informal discussions with Duncan Basheer Hannon.

Additionally, since the decision was made to represent David Osborne in these proceedings, he has confessed to engaging in indecent conduct with a youth who was under his care. We have also been made aware of a number of other claims of sexual abuse against this officer, and at least one former resident of Eden Park is claiming to have witnessed Osborne kissing and cuddling Grant inappropriately.

Taking the above into account, in our opinion we cannot continue to represent both The Salvation Army and David Osborne in these proceedings. We note that the decision for the Army to defend both Matthew Kop and David Osborne was based on the vehement denials of any wrongdoing. While Osborne continues to deny any wrongdoing against Steven Grant specifically, his recent admission puts into question his character, and does not entirely convince us of his innocence.

We would suggest a meeting take place in the near future to discuss the future conduct of this matter. A decision may need to be made to organise independent legal representation for David Osborne.

Offer of settlement

In relation to the Steven Grant, we note that Grant was seeking \$150,000.00 plus costs. An offer was put to Steven by the Army of \$60,000.00 which was inclusive of \$15,000.00 for costs. This offer was rejected.

As you will recall, this matter is listed for a further directions hearing on 5 May 2009 at 9:50am. This was consented to in order to allow the Plaintiff to finalise his statement of claim.

Matt Degregorio on behalf of his client has now indicated to us that Grant would be willing to settle this matter for \$150,000.00 inclusive of costs. In a without prejudice discussion, Matt Degregorio suggested that this was not a final figure, and that the matter may be able to settle for a lower sum.

In our opinion, this offer of settlement should be given serious consideration. This is a unique matter, and includes elements of physical and sexual abuse, as well as allegations of wrongful imprisonment. This is not only in relation to being placed in a lock-up as a form of punishment, but also the removal of Steven from Eden Park Boys Home allegedly without the permission of his father or The Salvation Army.

The circumstances have, in our opinion, changed since our last offer to Steven Grant was made of \$60,000.00. These are as follows:

- There have now been five claims of sexual abuse made against David Osborne.
- Duncan Basheer Hannon have a number of claimants who are willing to act as witnesses in Steven Grant's matter, including REDACTED (2/50287) who saw Osborne kissing and cuddling Grant, and REDACTED (2/20404) who claims to have also been asked to accompany the Osborne family to Melbourne.
- Matt Degregorio has been in contact with a family member of David Osborne's who may have witnessed his or her father mistreat Steven Grant.
- David Osborne has admitted that he has previously engaged in indecent conduct with a boy in his care.

We look forward to any comments you may have in relation to the above, and we suggest that a meeting be organised in the near future to discuss these issues.

Yours faithfully

Nevett ford

Philip Brewin
Direct Dial: REDACTED

Shea Rowell
Direct Dial: REDACTED

cc Mr Geoff Webb
The Salvation Army
Personnel Department
DX 35602
BLACKBURN