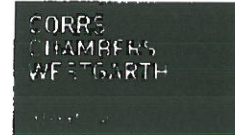


Appendix B

Correspondence regarding costs

Our references
 PRRMJD/CATH4300-9008A37

Governor Phillip Tower
 1 Farrer Place Sydney NSW 2000
 GPO Box 9925 NSW 2001
 Tel (02) 9210 6500
 Fax (02) 9210 6611
 www.corr.com.au



18 December 2007

Sydney
 Melbourne
 Brisbane
 Perth
 Gold Coast

By fax: 9232 5388

David Begg
 David Begg & Associates
 Suite 1504
 14 Martin Place
 SYDNEY NSW 2000

Contact:
 John Dalzell
 Email: [REDACTED]
 Partner
 Paul McCann

Dear Sirs

**Ellis v The Trustees of the Roman Catholic Church for the
 Archdiocese of Sydney
 HCA No. S325 of 2007**

This matter is now concluded and there only remains the outstanding issue of the orders for costs which have been made in favour of Cardinal Pell and the Trustees of the Roman Catholic Church for the Archdiocese of Sydney (Trustees).

Cardinal Pell's costs at first instance have been assessed by Alyson Ashe and Associates, however, our clients have not yet had the total party/party costs for the Cardinal and the Trustees assessed.

The solicitor/client costs for Cardinal Pell and the Trustees, including GST and disbursements, currently amount to \$755,940. Based on an estimated recovery of 70% for party/party costs, we anticipate that our client will recover in excess of \$500,000.00.

Before our clients incur further costs by commencing the process of formal assessment and enforcement, we are instructed to invite your client to make an offer to settle the costs orders. By settling the issue of costs in this manner, it is hoped that we can obviate the need for a formal assessment and further hearings in this matter.

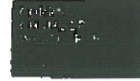
In the event that your client claims that his financial position is such that he is unable to meet his costs obligations we invite him to set out details of his:

- (a) assets and liabilities;
- (b) annual income and expenditure; and
- (c) directorships and/or shareholdings of private companies.

We would further request that your client provides documentary proof supporting his financial position. We note that your client is now employed by your firm.

If your client does not accept our clients' invitation to settle this matter by 5pm on Friday 18 January 2007, we have instructions to commence to have the costs formally assessed and to issue an examination notice to UCPR rule 38.1.

18 December 2007
David Begg & Associates
**Ellis v The Trustees of the Roman Catholic Church for the
Archdiocese of Sydney
HCA No. S325 of 2007**



We look forward to your response.

Yours faithfully
Corrs Chambers Westgarth

A handwritten signature in black ink, appearing to read 'John Dalzell'.

John Dalzell
Senior Associate

Appendix C

My correspondence in 2009 to Cardinal Pell

John Ellis



24 February 2009

His Eminence George Cardinal Pell AC
Polding Centre
133-141 Liverpool Street
SYDNEY NSW 2000

Dear Cardinal Pell

Meeting on 18 February 2009

Thank you for meeting with Nicola and I last week. This was a difficult thing for us to do, as the last 7 years of working through the Towards Healing Process and Court proceedings have been traumatizing, disheartening and emotionally and financially exhausting for us.

It has taken much courage and faith to continue to walk this road, and to commit to continuing to do so in collaboration with the Archdiocese, as its ally rather than its accuser.

Our meeting with you has given us some heart that the perseverance has been to some avail. It was encouraging to hear your frank acknowledgement of the mistakes of the past and a commitment that you would not like to see some aspects of the manner in which I have been responded to by the Archdiocese repeated.

Of course, all human agencies are fallible, and no-one can ensure that undesired consequences do not occur. Yet a willingness to recognize and seek to redress the harm caused by decisions which would not (in hindsight) have been made today, and a commitment to do things different where possible is an immeasurable comfort to those who, like us, have been dismayed by the abuses of the past and the patent failure of Church authorities to respond appropriately to at least some, if not many, of its victims.

One issue which arose as relevant to my particular circumstances was your belief that my claim was for multi-millions and needed to be defended vigorously to protect the Archdiocesan resources. The other issue was the amount of the legal fees expended on behalf of the Archdiocese to defend the matter and the proportionality between those fees and the amount we had posited as proper redress.

I think it is appropriate that the true facts of this matter be known. To that end, I attach for your records:

1. A file note indicating that someone designated as "RH" was aware that the figure put to the Archdiocese as an appropriate gesture of atonement was \$100,000.
2. The "Offer of Compromise" submitted to Corrs Chambers Westgarth by my lawyers in December 2004. This took into account the loss of income I had then suffered and anticipated to suffer in the future and was quantified at \$750,000. No response whatsoever was received to this offer.
3. The letter I received from Corrs Chambers Westgarth in December 2007, indicating that by that time, some 3 years later, the Archdiocese had incurred legal fees of **\$755,940**.

I do not wish to make any particular commentary on this state of affairs. It largely speaks for itself.

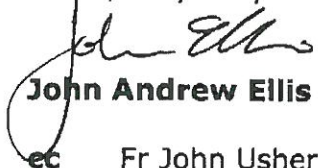
However, your surprise at the real nature of my claim and your doubt as to the figure we had suggested as the legal fees do reinforce the impression we had during the course of this matter that this was a runaway train that the Archdiocese did not have control of. How else could the expenditure of this obscene amount of legal fees whilst leaving the victim of admitted sexual abuse without any redress whatsoever be justified?

This, of course, is a rhetorical question, and I do not ask for your response. In truth, there really is no answer. I take comfort only in your indications that you would not want to see that sort of legal abuse repeated.

Nonetheless, if there is anything you feel moved to add, I would, of course, welcome it. In particular, it would help to know how the attitude of the Archdiocese went within the space of less than 4 weeks from inviting discussions "*in an attempt to resolve matters expeditiously, and in a manner that is just and acceptable to all parties*" to a notice that the Archdiocese intended to "*vigorously defend*" my claim, and there being no further discussions. I attach the 2 letters, only because they paint such a sharp contrast. In light of your own attitude to the proper response to these matters - to always seek to achieve justice - the contrast between the 2 letters is (to me) totally unfathomable and appears oddly capricious.

Once again, thank you so much for your generosity and open-ness in meeting with us.

Yours, very truly


John Andrew Ellis

ec Fr John Usher

Notes Detail

Complainant:

John A Ellis

Close

Case: 1147

Accused:

Aidan Duggan (Fr)

Note:

Date: 08/04/04

and (initially) (initial AM/PM)

Note Type: Case Notes

Attach File

Open File

Note Memo

RH spoke with facilitator. He reported that he had seen complainant and his wife. Wife had concerns about the process (challenging elements in the process and time delays). These needed to be addressed as she was to be involved in the facilitation.

They had wanted CA to come up with a figure. However, when pressed, they put forward the sum of \$100K as a notional figure based on needs (i.e. treatment in the form of counselling; and accommodation costs over three years).

Facilitator authorised to put this figure to CA. He indicated to complainant and wife that there might be some delay before a response could be given as a meeting with the CA would not take place before Easter and then CA might need time to consider proposals and to seek advice.

3 December 2004

Corrs Chambers Westgarth
Solicitors
Governor Phillip Tower
SYDNEY NSW 2000

Attention: Mr John Dalzell

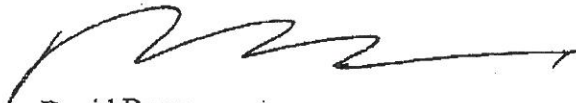
Your Ref: [REDACTED]
Our Ref: [REDACTED]

Dear Sirs

JOHN ELLIS V HIS EMINENCE CARDINAL GEORGE PELL & ORS

We refer to this matter, and enclose, by way of service, offer of compromise.

Yours faithfully



David Begg
DAVID BEGG & ASSOCIATES



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

File No. 20308 OF 2004

OFFER OF COMPROMISE

Filed for:

John Andrew Ellis

JOHN ANDREW ELLIS
Plaintiff

**HIS EMINENCE CARDINAL
GEORGE PELL**
FIRST Defendant

**THE TRUSTEES OF THE
ROMAN CATHOLIC
CHURCH FOR THE
ARCHDIOCESE OF SYDNEY**
Second Defendant

**REVEREND AIDAN
DUGGAN OSB**
Third Defendant

David Begg & Associates
Level 14, 14 Martin Place
Sydney NSW 2000
Tel: [REDACTED]
Fax: 9232 5388

The plaintiff offers to compromise the claim in the following manner.

By accepting payment of the sum of \$750,000 plus costs in answer to the cause of action on which the plaintiff claims.

This offer is made in accordance with Part 22 of the *Supreme Court Rules*.

A copy of this document has been served on the defendant.

Dated: 3 December 2004



David John Allan Begg
Solicitor for the plaintiff

Our reference
DRAWD/CATH14300-9008537

Governor Phillip Tower
1 Farrer Place Sydney NSW 2000
GPO Box 9925 NSW 2001
Tel (02) 9210 6500
Fax (02) 9210 6611
www.corr.com.au

**CORRS
CHAMBERS
WESTGARTH**

Sydney
Melbourne
Brisbane
Perth
Gold Coast

18 December 2007

By fax: 9232 5388

David Begg
David Begg & Associates
Suite 1504
14 Martin Place
SYDNEY NSW 2000

Contact
John Dalzell
Email: [REDACTED]
Partner
Paul McCann

Dear Sirs

**Ellis v The Trustees of the Roman Catholic Church for the
Archdiocese of Sydney
HCA No. S325 of 2007**

This matter is now concluded and there only remains the outstanding issue of the orders for costs which have been made in favour of Cardinal Pell and the Trustees of the Roman Catholic Church for the Archdiocese of Sydney (**Trustees**).

Cardinal Pell's costs at first instance have been assessed by Alyson Ashe and Associates, however, our clients have not yet had the total party/party costs for the Cardinal and the Trustees assessed.

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- (a) assets and liabilities;
- (b) annual income and expenditure; and
- (c) directorships and/or shareholdings of private companies.

We would further request that your client provides documentary proof supporting his financial position. We note that your client is now employed by your firm.

If your client does not accept our clients' invitation to settle this matter by 5pm on Friday 18 January 2007, we have instructions to commence to have the costs formally assessed and to issue an examination notice to UCPR rule 38.1.

18 December 2007
David Begg & Associates
Ellis v The Trustees of the Roman Catholic Church for the
Archdiocese of Sydney
HCA No. S326 of 2007



We look forward to your response.

Yours faithfully
Corrs Chambers Westgarth

John Dalzell
Senior Associate

MONAHAN + ROWELL

LAWYERS

1 September 2004

STRICTLY PRIVATE & CONFIDENTIAL

Attn: David Begg

David Begg & Associates

Solicitors

Suite 1404, Level 14

14 Martin Place

SYDNEY NSW 2000

Dear Sirs,

RE: JOHN ELLIS AND REV AIDAN DUGGAN

Our Ref: [REDACTED]

Your Ref: [REDACTED]

I am writing to let you know that I have been instructed to act on behalf of the Sydney Archdiocese in relation to this matter.

Your WITHOUT PREJUDICE letter of 28 July addressed to Monsignor Brian Rayner has been provided to me.

I would welcome the opportunity to have a preliminary discussion with you about the case, in an attempt to resolve matters expeditiously, and in a manner that is just and acceptable to all concerned.

If you see merit in such a discussion, could you please ring me or my assistance Law Clerk (Helen Chmielewski, ph: 03 8624 2043, e-mail: hchmielewski@mrlaw.com.au).

I look forward to working with you in regard to this sensitive claim.

Yours sincerely,



Patrick Monahan

(Senior Partner)

MONAHAN + ROWELL

Partner **Patrick Monahan**

Phone: [REDACTED]

Email: [REDACTED]

In association with Colin Biggers & Paisley - Sydney

40492/hac/316836/1

Partners Patrick Monahan + Philip Rowell + Robert Tuck + Bruce Butler + Mark Attard + Simon O'Hanlon
Andrew Probert + Melissa Gojak + Allison Grice

Address Level 31, 525 Collins Street, Melbourne VIC 3000 Australia Postal GPO Box 4542 Melbourne VIC 3001
Telephone Ph (61-3) 8624 2000 Fax (61-3) 8624 2031 Website www.mrlaw.com.au

Ausdoc DX 640 Melbourne ABN 27 698 119 366

Founding Partner K Clive Brookes

Our reference
PRWJD/CATH4300-9006837
Your reference
114/04

Governor Phillip Tower
1 Farrer Place Sydney NSW 2000
GPO Box 9925 NSW 2001
Tel (02) 9210 6500
Fax (02) 9210 6611
www.corrs.com.au

**CORRS
CHAMBERS
WESTGARTH**
lawyers

Sydney
Melbourne
Brisbane
Perth
Canberra
Gold Coast

28 September 2004

Mr David Begg
David Begg & Associates
GPO Box 2155
SYDNEY NSW 2001

Contact
John Dalzell
Email: [REDACTED]
Partner
Paul McCann

Dear Mr Begg

John Andrew Ellis v His Eminence Cardinal George Pell & The Trustees of the Roman Catholic Church & Fr. Aidan Duggan

As you know, the return date for the application to extend the time limit for this claim is 25 October 2004. The plaintiff has not yet filed any evidence in support of this application. On this return date do you intend to move the court for relief or is it your expectation that further directions will be sought in relation to the future conduct of the application?

It is our contention that this application may take a number of days to determine and therefore will require a special fixture. We have taken steps to obtain further information in this case although we will require further time before we are in a position to proceed. To that end we will oppose any application to have this matter decided on 25 October 2004.

We intend to vigorously defend this claim, however we do not propose to file a full defence to the statement of claim until your application to extend the time limit has been determined. This letter will be produced in response to any attempt to enter judgment in default.

We request that the plaintiff provides us with the following documents:

- the plaintiff's full medical history including, but not limited to, the identity of all health professionals who saw the plaintiff from 1985 to the present date. Such information would include the identity of any general practitioner, specialist, psychiatrist, psychologist, counsellor, social worker and therapist that assessed and treated the plaintiff;
- the identity all of health professionals who saw the plaintiff's first wife during the period of there marriage. Such information would include the identity of any general practitioner, specialist, psychiatrist, psychologist, counsellor, social worker and therapist that assessed and treated the plaintiff's first wife;
- any periods during which the plaintiff spent in hospital from 1974 to the present date;
- all documents produced by the plaintiff to Michael Ecclestone, independent assessor;

28 September 2004

David Begg & Associates

**John Andrew Ellis v His Eminence Cardinal George Pell &
The Trustees of the Roman Catholic Church & Fr. Aidan
Duggan**

**CORRS
CHAMBERS
WESTGARTH**
Lawyers

- all documents relating to the assessment, counselling and therapy provided by Fleur Bishop and John Hunter Murray including any letters of referral and instruction;
- all documents produced by the plaintiff in connection with 'the Beginning Experience' weekend retreat attended by the plaintiff in either 1996 or 1997;
- all documents produced by the plaintiff in connection with 'the Inner Child Workshop' supervised by Tony Trimmingham;
- all documents relating to the plaintiff's employment with Baker & McKenzie Lawyers, including all documents relating to the termination of this employment, any psychologist and psychiatric report on the plaintiff prepared for Baker & McKenzie Lawyers. Also all documents relating to disciplinary proceedings, warnings and admonishments whilst the plaintiff was in the employ of Baker & McKenzie Lawyers.

We would ask that we receive the above information at least 7 working days before the return date on 25 October 2004.

Yours faithfully

Corrs Chambers Westgarth



Paul McCann
Partner

Appendix D

Correspondence in 2009 from Archdiocese



Catholic Archdiocese of Sydney

Level 16, 133 Liverpool Street, Sydney, NSW 2000
Telephone: (02) 9390 5100 Fax: (02) 9261 8312 chancery@ado.syd.catholic.org.au

6 August 2009

Mr John Ellis


Dear John

Re: The matters concerning ongoing discussion with the Archdiocese of Sydney.

Cardinal Pell is very pleased that our ongoing discussions are taking place following your meeting with him earlier this year.

Following your meeting with Cardinal Pell you wrote to him about a number of matters. He has asked me to continue to discuss these matters with you. Nevertheless, the Cardinal has asked me to pass onto you the following comments.

In the first instance the Cardinal wishes to acknowledge his appreciation of the trauma and emotional strain you have undergone during the seven years leading up to the Court proceedings and ultimate meeting with him. He understands that it has taken much courage and faith on your part to continue to dialogue with the Archdiocese. The Cardinal is grateful for your comment that you are doing this as an "ally" rather than an "accuser" of the Archdiocese.

Secondly, the Cardinal wishes to reiterate his frank acknowledgement of the mistakes that were made in the past. He assures you, in the strongest possible terms, that he is committed to doing all in his power to ensure that certain aspects of the manner you were responded to (or not responded to) by the Archdiocese are not repeated. The Cardinal wishes to thank you for your statement that his personal response to you was an "immeasurable

comfort". He is committed to redress any harm caused to victims of abuse by decisions made in the past.

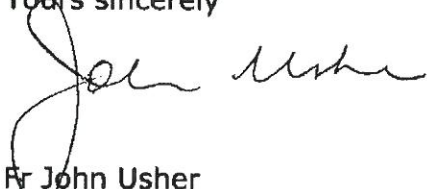
Thirdly, Cardinal Pell wants you to know that although he believed that your claim against the Archdiocese was for many millions of dollars, he now knows that the truth of the matter was as stated in your letter of 23 February 2009 (viz. an "offer of compromise" submitted to the Archdiocese in December 2004 of only \$750,000). Further, the Cardinal was distressed to learn that this submission was never responded to by the Archdiocesan lawyers. For this he apologises. Once again the Cardinal reiterated that he will do all in his power to ensure that this sort of legal abuse is never repeated again.

It is important for me to confirm the assurance given to you by Cardinal Pell during his meeting with you that the Archdiocese of Sydney has no intention of pursuing any legal or other costs from you or your estate now or at any time in the future. The Church's insurance company has been informed of the Cardinal's determination in this regard and they have been instructed accordingly. The Cardinal has also asked me to continue to negotiate with you about the reimbursement of ongoing medical costs.

Finally, John, the Cardinal wishes for there to be ongoing dialogue with me for so long as it is helpful to you and for so long as I am physically able to meet with you. Of course, should I no longer be available, other Archdiocesan officials would be able to do so. It is clear to Cardinal Pell that an invitation from the Archdiocesan lawyers in September 2004 to meet and "resolve matters expeditiously" did not lead to such a meeting. Instead you were advised that the Archdiocese intended to "vigorously defend" the matter. The Cardinal apologises to you for this. As you said in your letter, this matter remains "unfathomable".

On a personal note, thank you for your kindness to me John and I too wish to join with the Cardinal in acknowledging your courage and faith over the years following the experience of sexual abuse. I admire you greatly.

Yours sincerely

A handwritten signature in black ink, appearing to read "John Usher". The signature is written in a cursive style with a large loop at the beginning.

Fr John Usher
CHANCELLOR