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Rec'd by email

13/6/11

irwinmitchell (IM)
solicitors

Your ref:
Our ref:

DPA

Beachcroft LLP
DX 45 LONDON

RECEIVED
13 JUN 2011

7 June 2011

Dear Sirs

Our Client - RC-A592
Date of Birth - DPA 1974

We represent the above named in connection with a personal injury claim for compensation following sexual abuse. We are writing to you direct as we are aware from other matters that you are instructed to act on behalf of the insurers of the Trustees of Ealing Abbey.

RC-A592 attended St Benedict's School in Ealing, West London from 1981 – 1992. Whilst a pupil at the school he suffered indecent assaults from Father David Pearce. The instances of abuse occurred on a school trip to DPA in the summer of 1984 and involved inappropriate touching. Further details of the abuse will follow.

In October 2009, Father Pearce was convicted of 10 counts of indecent assault and 1 count of sexual assault on five boys, four of whom were under 16 at the time of the abuse and sentenced to 8 years in prison. We understand he has also been charged with further offences and is due to stand trial again soon.

Our client is currently liaising with the police in relation to giving a statement. We will rely on the convictions of Father Pearce as similar fact evidence of the abuse taking place.

Father Pearce committed criminal acts during the course of his employment by assaulting RC-A592. It is alleged that you are vicariously liable for this act. The test for vicarious liability as set out in *Lister v Hesley Hall Limited* [2001] is that the act must be so closely connected with the employee's employment that it would be fair and just to hold the employers vicariously liable. It is clear that as a teacher, assault is closely connected with tasks that Father Pearce could reasonably be expected to perform during the course of his employment whilst looking after and supervising pupils.

It is further alleged that you were negligent in your duty to have regard to the safety and well being of pupils in your care by allowing RC-A592 to be abused in this manner.

As a result of the abuse, our client has suffered significant emotional problems. He has suffered from confusion with regard to his sexual orientation and anxiety in relation to risk-taking sexual behaviours. The abuse also significantly impacted RC-A592 education and career.

We intend to provide a detailed medical report setting out our client's difficulties, together with a full schedule of his losses. We will be making a claim for not only the offences at the time but the psychological consequences of these offences together with treatment costs, and consequential loss of earnings.

As to limitation, the offences occurred when our client was still a child. The convictions were secured some

London: Birmingham, Bristol, Cardiff, Leeds, London, Manchester, Newcastle, Sheffield
Madrid, Milan

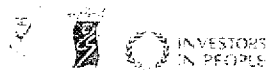
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years later and it was not until they were reported in the press that our client felt able to come forward and report the abuse. Obviously the claim is outside the primary limitation period but in the circumstances, we cannot see what prejudice you will suffer by reason of our client bringing a late claim, given the successful police investigations. We intend to rely on Section 33 of the Limitation Act 1980 and we will invite the Court to disapply the primary limitation period. We take the view that a fair trial will still be possible, notwithstanding the delay in bringing the civil action.

We request a limitation moratorium until the end of October 2011. If such confirmation is not forthcoming from you within 14 days, our client will be compelled to issue proceedings in the High Court to protect his position with a consequential increase in costs. We will also be applying for an anonymity Order. We reserve the right to draw this letter to the attention of the Court in the appropriate circumstances. We hope you will see the sense in this approach.

Please note that we have entered into a conditional fee agreement with our client dated 3 May 2011 in relation to this claim which provides for a two stage success fee within the meaning of the Courts and Legal Services Act 1990 together with a policy of after the event insurance dated 6 May 2011 with Litigate - Allianz Legal Protection, Redwood House, Brotherswood Court, Great Park Road, Bradley Stoke, Bristol, BS32 4QW under policy number FIA1909 with a level of cover of £500,000.00.

Kindly acknowledge receipt of this letter within 14 days.

Yours faithfully

IRWIN MITCHELL LLP

DPA