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Your ref:

Our ref:

DPA

The Trustees Of The Trust Of St Benedict's Abbey  
Ealing Abbey  
Trust Office  
54 Eaton Rise  
Ealing  
London  
W5 2ES

RECEIVED

14 SEP 2010

TRUST OFFICE

13 September 2010

Dear Sirs

Our Client

-

RC-A11

Date of Birth

-

DPA

We represent the above named in connection with a personal injury claim for compensation following sexual abuse. We have instructions to pursue a claim against you in the High Court in London and we will be applying for an anonymity order in the proceedings.

RC-A11 attended St Benedict's School in Ealing, West London from 1974 – 1981. Whilst a pupil at the school, he suffered indecent, sexual and physical assault from 3 teachers, Father David Pearce, Mr John Maestri and Father Lawrence Soper. Further details of the nature of the abuse will be provided in due course.

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. Mr Maestri has also been charged with sexual assault in respect of the assault against me in addition to having been previously sent to prison for similar crimes.

Father Pearce and Mr Maestri committed criminal acts during the course of their employment by assaulting RC-A11. 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 teachers, assault is closely connected with tasks that these men could reasonably be expected to perform during the course of their 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-A11 to be abused in this manner.

As a result of the abuse, our client has suffered significant emotional and psychological problems. RC-A11 finds it difficult to fit in with society. He has problems with excessive drinking and has been homeless on a number of occasions. He has also had several breakdowns and has difficulty in maintaining relationships. The abuse has further affected RC-A11's 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.



INVESTORS  
IN PEOPLE

As to limitation, the offences occurred when our client was still a child. The convictions were secured some 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 do 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 December 2010. If such a confirmation is not forthcoming from you within 14 days; our client will be compelled to issue proceedings to protect his position with a consequential increase in costs. 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 our client is currently in the process of obtaining public funding.

We enclose a copy of this letter for your to send to your insurers. Please acknowledge receipt of this letter within 14 days.

Yours faithfully

**DPA**

**IRWIN MITCHELL LLP**

DPA