



HIGH COURT OF AUSTRALIA

NOTICE OF FILING

This document was filed electronically in the High Court of Australia on 24 Oct 2024 and has been accepted for filing under the *High Court Rules 2004*. Details of filing and important additional information are provided below.

Details of Filing

File Number: M81/2024
File Title: DZY (a pseudonym) v. Trustees of the Christian Brothers
Registry: Melbourne
Document filed: Form 27B - Appellant's chronology
Filing party: Appellant
Date filed: 24 Oct 2024

Important Information

This Notice has been inserted as the cover page of the document which has been accepted for filing electronically. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties and whenever the document is reproduced for use by the Court.

IN THE HIGH COURT OF AUSTRALIA
MELBOURNE REGISTRY

BETWEEN:

DZY (A PSEUDONYM)
Appellant

and

TRUSTEES OF THE CHRISTIAN BROTHERS
Respondent

APPELLANT’S CHRONOLOGY

Part I: Certification

1. This chronology is in a form suitable for publication on the internet.

Part II: Chronology

Date	Event	Reference
1964 to 1968	The appellant attends St Alipius Boys School in Ballarat. He alleges that while a student in grades 3 to 6, he was sexually assaulted by Brother Robert Best and Brother Gerald Fitzgerald.	CAB 52, COA [1]; CAB 7, SC [1]
January 2011	The appellant contacts the firm of Waller Legal. He engages that firm to act on his behalf for a claim against the Christian Brothers.	CAB 56, COA [25]
11 January 2011	Dr Vivian Waller of Waller Legal writes to the appellant. She notes difficulties associated with his case including the expiration of the limitation of actions period and difficulties in identifying the correct entity to sue.	CAB 56, COA [25], SGK -1 ABFM 11-12

By May 2012	The Christian Brothers agree to progress the appellant's claim through an alternative dispute resolution process.	CAB 57, COA [27]; CAB 10, SC [19]–[20]
21 September 2012	The appellant meets with Dr Waller and counsel. He is advised as to the legal complexity of his claim.	CAB 57, COA [28]
21 November 2012	Settlement conference is held in respect of the appellant's claim. The appellant is given a final offer of \$80,000 (including costs).	CAB 58, COA [32] CAB 58, COA [34]
29 November 2012	Dr Waller writes to the appellant about the settlement offer.	CAB 58-59, COA [35], SGK-9 ABFM 16-17
13 December 2012	The appellant signs an Instructions to Settle Claim form provided by Waller Legal.	CAB 59, COA [38], SGK -11 ABFM 18-19
14 December 2012	The appellant signs the 2012 deed of settlement.	CAB 59, COA [39]
Early 2015	Dr Waller invites the Christian Brothers to consider making a further payment due to the Christian Brothers' failure to make full disclosure during the 2012 settlement process.	CAB 60, COA [44]
July 2015	The appellant gives instructions to Waller Legal to accept a further payment of \$20,000.	CAB 60, COA [45]
9 December 2015	The appellant signs the 2015 deed of settlement.	CAB 61, COA [49]
July 2021	The appellant commences a proceeding against the Trustees of the Christian Brothers in the Supreme Court of Victoria. He claims damages for pain and suffering, medical expenses and for economic loss.	CAB 52, COA [4]
21 March 2023	Associate Justice Irving makes orders pursuant to s 27QE(1) of the <i>Limitation of Actions Act 1958</i> (Vic)	CAB 42

	setting aside the 2012 and 2015 settlement agreements.	
2 May 2023	The respondent applies for leave to appeal to the Court of Appeal from the orders of Irving AsJ.	CAB 43–48
23 April 2024	<p>The Court of Appeal (Beach, Macaulay and Lyons JJA) makes orders allowing the appeal and setting aside the orders of Irving AsJ.</p> <p>The Court orders, pursuant to s 27QE(1) of the <i>Limitation of Actions Act 1958</i> (Vic), that the 2012 and 2015 settlement agreements be set aside only in part such that the appellant ‘be permitted to bring his claim for damages as framed at the time of [the deeds], that is a claim for loss and damage excluding any economic loss’.</p>	CAB 88–89
5 September 2024	Special leave to appeal is granted	CAB 98
19 September 2024	Notice of appeal is filed.	CAB 100

Dated: 24 October 2024



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