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JAN 10 1994

BRYCE V. GEOFFREY, B.A., H.B.
January 17, 1994

LEDOC, LAFRANCE-CARDINAL

WITHOUT PREJUDICE

BY COURIER

CONFIDENTIAL

Our Ref: 36453

Attention: Jacques Leduc

Leduc, Lafrance-Cardinal
Barristers & Solicitors
340 Second Street East
Cornwall, Ontario
K6H 1Y9

AND TO:

Malcolm MacDonald
Barrister & Solicitor
504 Pitt Street
Cornwall, Ontario
K6J 3R5

Dear Sirs:

RE: Agreement between David Silmsler, Father Charles MacDonald,
Eugene P. Larocque Bishop and the Roman Catholic Episcopal
Corporation for the Diocese of Alexandria-Cornwall in Ontario

As you are both aware I act for David Silmsler. I have now had an opportunity to fully review the document entitled "Full Release and Undertaking Not to Disclose" dated September 3, 1993, together with the one page direction to the Cornwall City Police of the same date. It is my opinion that this document is an illegal contract, is contrary to public policy as its express purpose is perverting justice and specifically, the stifling of any potential criminal prosecution as against Father Charles MacDonald and the Church. Specifically, paragraph 2 of the Agreement which provides in part "I hereby undertake not to take any legal proceedings, civil or criminal, against any of the parties hereto and will immediately terminate any actions which may now be in process" is an express Agreement to stifle criminal proceedings. I understand that the one page direction to the Cornwall Police Department whereby Mr. Silmsler purports to direct the Cornwall Police "to close your file

COMMUNICATIONS:

TELEPHONE (613) 237-4000
TELECOPIER (613) 237-4906
TELEX 053-3105 MSG CTR OTT

REPLY TO:

BANK STREET CHAMBERS
101 BANK STREET
OTTAWA, ONTARIO K1P 5N4

and stop further proceedings" was also prepared by one of your offices and provided to Mr. Silmsler for his signature at the time that the Full Release and Undertaking Not to Disclose was entered into. Indeed it is my understanding that the execution and delivery of this document to the Cornwall Police was a term of the overall agreement entered into between the parties.

Furthermore; I consider the recent statements made by yourselves within the context of the press conference convened by Bishop Eugene Larocque and the Roman Catholic Episcopal Corporation for the Diocese of Alexandria-Cornwall, Ontario to be contrary to the spirit of the Agreement. Specifically, while my client has adhered to his Undertaking not to Disclose any of the terms of the settlement or the events alleged to have occurred, as are provided for in paragraph 3 of the document, your clients have not seen fit to proceed with the same courtesy and respect. The representations by the Church, the priest involved and their Counsel to the effect that my clients complaints were totally without merit were unwarranted and patently false. In addition, I am concerned that there appears to have been misrepresentations to the media with respect to the nature and extent of the agreement which was entered into. I also find Mr. MacDonald's comment to the media that he "could beat that case in his sleep" to be unprofessional to say the least.

As you are aware my client initially only sought an apology from the Church. When this was not forthcoming he entered into an Agreement wherein the Church agreed to pay him monetary compensation for the sexual assaults upon him. Although the agreement provides specifically that there is no admission of liability, my client was satisfied that there was some implicit acknowledgement of responsibility on behalf of the Church and the priest involved. Given the recent statements by the Church and the legal representatives of the Church and the priest to the media this is no longer the case. In addition, the recent media exposure with respect to this case has deprived my client of the privacy which was the main consideration for agreeing not to commence civil proceedings as against the priest involved and the Church.

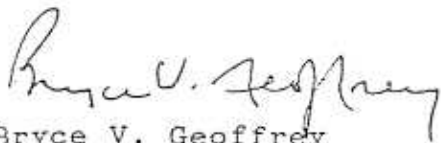
Given that the Agreement entered into between the above noted parties is illegal it is also void. Accordingly, please consider this notice that my client will in fact be proceeding to seek damages from Father Charles MacDonald, Bishop Eugene Larocque and the Roman Catholic Episcopal Corporation for the Diocese of Alexandria-Cornwall in Ontario. If you require further notice of this to be given to your respective clients and or directly to Bishop Larocque would you please contact the undersigned immediately in order that I may take steps to have formal notice served upon them.

I believe it is in the interest of all parties that the recent misrepresentations to the media be corrected. Accordingly, I would appreciate being contacted by your offices immediately in order

that we may coordinate some considered and mutually satisfactory
forum to meet with the media and rectify some of
misrepresentations which have been made to date. I have no wish
to argue this case through the newspaper or on television however,
recent inaccuracies in the information which has been provided
by the media leave my client in a position whereby some correction
must be made. In the circumstances I require your very earliest
attention to this matter.

Yours very truly

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Bryce V. Geoffrey
/jmt