



Andrew Laughton <laughton.andrew@gmail.com>

Laughton v Marsh - application to set aside default judgment

1 message

Ian Morison <ian@morisonlegal.com.au>

3 December 2015 at 16:55

To: Andrew Laughton <laughton.andrew@gmail.com>

WITHOUT PREJUDICE SAVE AS TO COSTS

Dear Mr Laughton

I enclose:

1. Amended application.
2. Minute of consent orders.

I invite you to sign and return the minute of consent orders. The orders include an order for setting aside the default judgment and an order allowing you to amend to join James Marsh as a defendant.

As foreshadowed in Mrs Marsh's affidavit, I will be submitting at the hearing that:

- (a) the judgment is irregular;
- (b) in any event the defence has a reasonable prospect of succeeding.

I will be submitting that if the judgment is set aside because of an irregularity, you should pay the costs of the application.

I have heard that next Wednesday's hearing may not go ahead, because a Magistrate is not available. That is not official yet but I am going to write to the Registrar asking

that:

(a) if the hearing is to be vacated administratively, account be taken in re-listing the hearing of my unavailable dates; and

(b) the assessment of damages scheduled for 16 December should also be vacated.

I will copy you in on my email.

You may wish to consult a lawyer but it is a matter for you.

Yours faithfully

Ian Morison

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Barrister & Solicitor

Morison Legal

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NOTE *Christmas Holiday* I will be away between 14 December and 8 January and the office will be closed during that time. I can be contacted by email if anything really urgent comes up.

2 attachments

 **Amended Application Form 23 3 Dec 2015.pdf**
1211K

 **consent order.pdf**
69K