



Andrew Laughton <laughton.andrew@gmail.com>

Marsh

11 messages

Ian Morison <ian@morisonlegal.com.au>
To: Andrew Laughton <laughton.andrew@gmail.com>

7 December 2015 at 15:14

Dear Mr Laughton

I enclose an outline of the Defendant's submissions for the hearing on Wednesday of her application to set aside default judgment.

The cases mentioned in the submissions can be found on the internet, try the Austlii site. If you have any difficulty finding the cases let me know.

The reference to Civil Procedure WA reads:

[13.10.5] Terms on setting aside irregular judgments The plaintiff will usually be ordered to pay the defendant's costs of setting aside an irregular judgment: *Kertesz v Kessler* [1966]VR 453 at 458 [CBCC](#). The court may set the judgment aside in whole or in part: *Re Mosenthal; Ex parte Marx* (1910) 54 Sol Jo 751.

I expect to be filing a further affidavit as to the delay in applying to set aside default judgment.

I look forward to your response to the email I sent last week enclosing a minute of consent orders adding James Marsh as a Defendant and setting aside default judgment. I enclose for your convenience another copy of the consent minute.

Yours faithfully

Ian Morison

Ian Morison

Barrister & Solicitor

Morison Legal

Office 9792 4693 Mob 0418 916 709 Fax: 9791 7493

24 Arthur Street Bunbury

PO Box 2666 Bunbury 6231

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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

 **OUTline of Submissions.pdf**
1138K

 **consent order.pdf**
69K

Andrew Laughton <laughton.andrew@gmail.com>
To: Ian Morison <ian@morisonlegal.com.au>

7 December 2015 at 16:17

Hi Ian

My primary consideration is to reinforce the retaining wall before it collapses, and then to sell the house as fast as practical.

Consenting to delay anything is not going to achieve those aims, nor is consenting to pay for delays not caused by myself.

Andrew.

[Quoted text hidden]

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

7 December 2015 at 16:19

[Quoted text hidden]

Andrew Laughton <laughton.andrew@gmail.com>
To: Ian Morison <ian@morisonlegal.com.au>, Courthouse Bunbury <bunburycourt@justice.wa.gov.au>

8 December 2015 at 10:57

Regarding BUN/GCLM/316/2015

Andrew Laughton's contact phone number is 0409 931 559, my email address is laughton.andrew@gmail.com.

Attached is a response to the Defenses email received yesterday afternoon.

Regards, Andrew Laughton.

On 7 December 2015 at 15:14, Ian Morison <ian@morisonlegal.com.au> wrote:

[Quoted text hidden]

 **2015_12_08 Form2Support default Judgement.pdf**
112K

Ian Morison <ian@morisonlegal.com.au>
To: Andrew Laughton <laughton.andrew@gmail.com>

8 December 2015 at 11:39

Please provide a copy of the following documents mentioned in your affidavit, today if possible:

1. Building permits mentioned in paragraphs 30.
2. Contour diagrams mentioned in paragraphs 32 and 41.

Regards

Ian Morison

Barrister & Solicitor

Morison Legal

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From: Andrew Laughton [mailto:laughton.andrew@gmail.com]
Sent: Tuesday, 8 December 2015 10:57 AM
To: Ian Morison <ian@morisonlegal.com.au>; Courthouse Bunbury <bunburycourt@justice.wa.gov.au>
Subject: Re: Marsh

[Quoted text hidden]

Ian Morison <ian@morisonlegal.com.au>
To: Andrew Laughton <laughton.andrew@gmail.com>

8 December 2015 at 14:06

I attach a copy of an affidavit which was sworn and filed today.

Regards

Ian Morison

Barrister & Solicitor

Morison Legal

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 **Affidavit IM 2.pdf**
1051K

Andrew Laughton <laughton.andrew@gmail.com>
To: Ian Morison <ian@morisonlegal.com.au>

8 December 2015 at 18:28

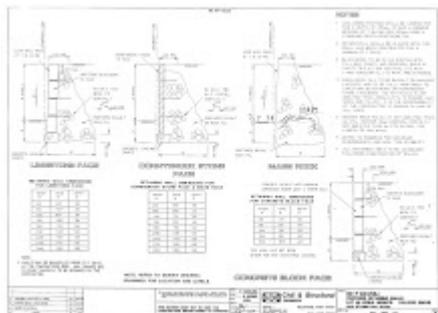
Hi Ian

Sorry, I thought the contour drawings were separate, they are actually part of the building permit.

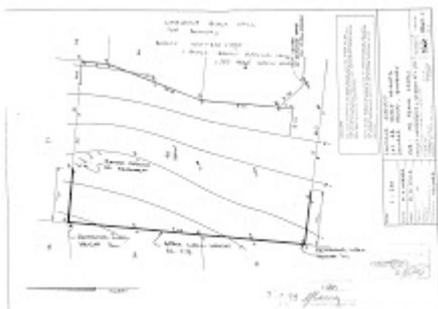
Andrew.

[Quoted text hidden]

4 attachments



1994_RetainingWallPlans02.jpeg
335K



1994_RetainingWallPlans03.jpeg
199K

 **Permit11335_Footing_detail.pdf**
1218K

**Permit11335_RetainingWall.pdf**

731K

Ian Morison <ian@morisonlegal.com.au>
To: Andrew Laughton <laughton.andrew@gmail.com>

9 December 2015 at 11:12

Thank you for that. You provided two contour surveys and two plans, one entitled "Concrete Block Face" and the other "Footing Detail for Over I.O. Sewer". These are not building licences though building licences may be referred to in them. If you have the building licences please let me have them.

In paragraph 30 of your recent affidavit you refer to purchasing the "entire collection" of building permits. Please let me have a copy of them.

Regards

Ian Morison

Ian Morison

Barrister & Solicitor

Morison Legal

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PO Box 2666 Bunbury 6231

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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.

From: Andrew Laughton [mailto:laughton.andrew@gmail.com]
Sent: Tuesday, 8 December 2015 6:28 PM
To: Ian Morison <ian@morisonlegal.com.au>
Subject: Re: Marsh

[Quoted text hidden]

Andrew Laughton <laughton.andrew@gmail.com>
To: Ian Morison <ian@morisonlegal.com.au>

10 December 2015 at 16:14

Hi Ian

A building licence is similar to a driving licence, a plumbing licence or an electrical licence in that the licence is issued to people rather than objects or projects.

The building permits include contour lines as part of the detail. If you take another look at the permits provided you will notice both a stamp and signature from the water board confirming it is not over a sewer, and a stamp, signature, date and building permit number approving the retaining walls themselves.

You may also notice the text "retaining wall" on the permit, with an arrow pointing to the position of the retaining wall relative to the property boundary and the contours.

Contour maps do not require building permits, these building permits refer to the retaining walls.

Our shared boundary retaining wall is labeled "limestone block wall top boundary", followed by the size of the blocks to be used., and also happens to have a convenient arrow pointing to the position of the retaining wall.

I am not going to be able to supply any other building permits until I return to Bunbury at the end of the week, however if you are having trouble reading the retaining wall permits I would suggest that trying to read the other building permits would be a pointless waste of time.

I am sorry I did not try to explain these permits when I supplied them, I thought they would be self explanatory.

I am on night shift at the moment, with very limited time or Internet access, so replies might take a while.

Andrew.

[Quoted text hidden]

Ian Morison <ian@morisonlegal.com.au>
To: Andrew Laughton <laughton.andrew@gmail.com>

10 December 2015 at 17:01

With respect none of the four documents you supplied is a building licence. I repeat my requests below.

Regards

Ian Morison

Barrister & Solicitor

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From: Andrew Laughton [mailto:laughton.andrew@gmail.com]
Sent: Thursday, 10 December 2015 4:14 PM
To: Ian Morison <ian@morisonlegal.com.au>
Subject: RE: Marsh

[Quoted text hidden]

Andrew Laughton <laughton.andrew@gmail.com>
To: Ian Morison <ian@morisonlegal.com.au>

10 December 2015 at 17:52

Hi Ian.

To the best of my knowledge, no inanimate object has ever received a licence to build. The best way forward is to obtain a copy of the building permit for the boundry retaining wall between 12 Trinity Rise and 14 Trinity Rise. This document will be needed regardless of your beliefs if for some reason the default judgment is overturned. Please also send me a copy once you have received it. Once you have this extra document it will hopefully be easier to read the permits I have provided. Andrew.

[Quoted text hidden]