

SUPREME COURT OF WESTERN AUSTRALIA COURT OF APPEAL		<b>NO.: [CACR / CACV] OF 20</b>
		<b>APPLICATION FOR REVIEW OF SINGLE JUDGE'S OR REGISTRAR'S DECISION</b>
<b>Parties to the Appeal</b>	<b>Andrew Laughton</b> <b>Sharyl Marsh</b> <b>James Marsh</b>	Appellant First Respondent Second Respondent
<b>Decision to be reviewed</b>		
Decision maker	Stevenson DCJ	
Date of Decision	21 November 2018	
Brief Description	Appeal failed due to lack of security payment.	
<b>Applicant</b>	<b>Appellant / Respondent</b>	
<b>Application</b>	The applicant applies to the Court of Appeal to set aside or vary the above decision.	

**Grounds of review**

1. That I had fully complied with the order made by Registrar Melville on 30 October 2017 as it is written.
  - 1.1. The order did not specify to which part of the court system this money needed to be paid.
  - 1.2. By paying \$13,000 to any part of the court system before the deadline demonstrated that I was able to pay any costs incurred by a failed appeal.
  - 1.3. By since fully paying all costs from the Magistrates court shows that I was able to pay any costs incurred by a failed appeal.
  - 1.4. I sent an affidavit to the District Court shortly after the decision was made, highlighting the false assumptions, and that I was going to pay the Magistrates Court in order to save my house from being seized.
    - a) No feedback or procedural advice was received from the District Court.
  - 1.5. I tried to pay the District Court this security within 21 days of the Order being Sealed, and was refused and told it was too late.
2. That it is a reasonable assumption that the District court would have full access to all details of a case they are hearing an appeal about, including what money had been paid.
3. That it is a reasonable assumption that affidavits posted to the District court would be available to the District court.
  - 3.1. My affidavit dated and sent on 13 September 2018, was not available to the court on the 21<sup>st</sup> November 2018.
    - a) Original copies of this affidavit were sent by;
      - Normal post to the District Court in Perth.
      - By registered post to Ian Morrison. Tracking number 518642850018.
    - b) A scanned copy was also sent by email to Ian Morrison on 13 September at 15:20.
    - c) A scanned copy was also sent by email to Max Owens on Mon, 17 Sep, 18:02
    - d) If the eCourts Portal allowed PDF files to be lodged this would have been done as well on the 13 September.
    - e) This is not the first time the District Court did not have all their paperwork together.
      - Hearing on 25-05-2017 was postponed in part because they only had the transcript for one day of a two day hearing.
      - Hearing on 26-04-2018 was postponed due to their paperwork problems.

<b>Stay</b>	<p>Is a stay of proceedings needed? <b>YES</b></p> <p><i>If yes, state the order and why it is needed:</i></p> <p>That the appeal against the Magistrates Court be allowed to continue, and that I be enabled access to legal advice.</p> <p>To date I have needed to pay for;</p> <p>The repairs to the disputed damaged boundary retaining wall approx \$30,000.</p> <p>To the Magistrates court for costs approx \$26,000.</p> <p>For District court costs, approx \$13,000</p> <p>For my own legal costs and lost wages.</p> <p>I now have stress induced depression, and have lost a number of jobs because of this. This depression makes it very hard to focus on legal paperwork and to retain a job.</p> <p>The legal advice I have received so far is far from ideal, including advising me not to appeal the order to pay \$13,000 security, and for taking up to a month to reply to emails, and I have never received any reasons for any of the legal advice. I am also concerned about the fact that my lawyer shares the same building as the defence.</p> <p>Paying out all this money has completely stymied my case, and the defence have previously given instructions to the Magistrates court bailiff to seize my house, and I have good reason to believe that they will do so again for the District court Bailiff.</p> <p>In order for me to get access to legal advice I need to sell my house, (currently for sale), or be given time to earn more money, or to have payments to the District Court stayed and any money already paid to be returned, or to be given legal aid.</p>	
<b>Orders wanted</b>	<ol style="list-style-type: none"> <li>1. To allow the appeal to continue; and</li> <li>2. Allow access to legal advice.</li> </ol>	
<b>Applicant's address for service</b>		
Firm name	Andrew Laughton	
Street Address	11b Keble Heights, Bunbury. 6230	
Telephone no	0409 931 559	Fax No 08
Email address	Laughton.andrew@gmail.com	
Reference		
<b>Signature of applicant or lawyer</b>	Andrew Laughton..... Applicant / Applicant's lawyer	Date: 17 December 2018