

SUPREME COURT OF WESTERN AUSTRALIA		NO.: CACV
COURT OF APPEAL		APPEAL NOTICE (CIVIL)
<b>Parties to the Appeal</b>	Andrew Laughton Sharyl Marsh James Glynn Marsh	Appellant 1 <sup>st</sup> Respondent 2 <sup>nd</sup> Respondent
<b>Primary Court's Decision</b>		
<b>Primary Court</b>	Perth District Court	
<b>Case Number</b>	Appeal No / Action No: 1 of 2017	
<b>Parties</b>	Andrew Laughton, Sharyl Marsh, James Glynn Marsh	
<b>Date of Decision</b>	21 November 2018	
<b>Judicial Officer</b>	STEVENSON DCJ	
<b>Decision Details</b>	That appeal APP 1 OF 2017 is dismissed.	
<b>Appeal Details</b>		
<b>Notice of Appeal</b>	The appellant appeals to the Court of Appeal against the above decision.	
<b>Act that allows the appeal</b>	District Court of Western Australia Act 1964 Section: 79	
<b>Notice to the Respondent</b>	If you want to take part in this appeal you must file a Form 4 under the <i>Supreme Court (Court of Appeal) Rules 2005</i> within 7 days after you are served with this notice and serve it on the appellant.	
<b>Last date for appealing</b>	Last date: 12 December 2018 Is an extension of time needed? <u>YES</u> / NO	
<b>Leave to appeal</b>	Is leave to appeal needed? YES / <u>NO</u> If yes, state the Act and section requiring leave:	
<b>Legal representation</b>	Is the appellant legally represented in this appeal? YES / <u>NO</u> Is the appellant applying for legal aid? <u>YES</u> / NO	
<b>Appellant's details for service</b>		
<b>Name</b>	Andrew Laughton	
<b>Street Address</b>	11b Keble Heights, College Grove, Bunbury. 6230	
<b>Telephone no</b>	0409 931 559	Fax No
<b>Email address</b>	Laughton.andrew@gmail.com	
<b>Reference No.</b>		
<b>Signature of appellant or lawyer</b>	 ..... Appellant / Appellant's lawyer	<b>Date:</b> 18 January 2019

SUPREME COURT OF WESTERN AUSTRALIA		NO.: [CACR / CACV] OF 20
COURT OF APPEAL		AFFIDAVIT
<b>Parties to the Appeal</b>	<b>Andrew Laughton</b>	Appellant
	<b>Sharyl Marsh</b>	First Respondent
	<b>James Glynn Marsh</b>	Second Respondent
<b>Person making affidavit</b>	Andrew Laughton	
<b>Date Made</b>	18 January 2019	
<b>Purpose</b>	To give reasons to support extension of time to appeal.	
<b>Filed by</b>	Andrew Laughton	
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<b>[Party's] address for service</b>		
Firm name		
Street Address	11b Keble Heights, College Grove, Bunbury. 6230	
Telephone no	0409 931 559	Fax No
Reference	Laughton vs Marsh	
Email address	Laughton.andrew@gmail.com	

Wayne Allen Major JP 28263  
15 Glover Street  
BUNBURY WA 6230




I, Andrew Laughton, of 11b Keble Heights, Bunbury, Electrician, *affirm in accordance with the Oaths, Affidavits and Statutory Declarations Act 2005*] as follows —

1. This relates to the following Western Australian courts;
  - 1.1. Magistrates court case MC/CIV/BUN/GCLM/316/2015
  - 1.2. Magistrate Bailiff reference: 180544
  - 1.3. Bunbury District court appeal 1 of 2017.
  - 1.4. It does not have a Court of Appeal case number that I am aware of.
2. On 15 January 2016 the Magistrates court allowed a default judgement granted for not submitting documents for more than 40 days past the deadline to be overturned because the Defence claimed to have a strong case.
  - 2.1. I also have a strong case, as set out in the appeal notice.
  - 2.2. In the name of fairness, the precedent set in this case on the 15 January 2016 decision should also be applied to this hearing as well as it is the same case.
3. The Primary District Court Hearing was on 21 November.
4. On 22 November I was frantically trying to get my blood pressure down to pass a medical to do Fly In Fly Out work starting the next day.
5. On 23 November I managed to pass the blood pressure test, but I had missed the flight on the 23rd.
6. On 23 November I wrote an affidavit, got it signed, and submitted it to the Court.
7. On late 25 November / early 26 November I flew out for remote work, working more than 12 hour days, and with no access to a printer or scanner.
8. On 29 November 2018 I sent my lawyer an email with the following text, and a partly completed form 2.

=====  
Hi Max

I have decided to appeal against this decision as it is based on so many false assumptions.

I do not know what to put on the form for "Act that allows this appeal". Any other info you think might be helpful would be appreciated as well.

Andrew

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9. On 30 November 2018 I sent an email with the following text.
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Hi Max

I worked it out, it is the same act that allows the court of appeal to exist.

I do not have access to a printer or scanner at the moment.  
Can you please finish filling it in and submit it to the court of appeal for me.



Wayne Allen Major JP 28263  
15 Glover Street  
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Please let me know when you have done so to ease my stress.

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10. On 30 November I received a reply setting out the steps I need to complete.
11. On 5 December I returned to Bunbury.
12. On 6 December I wrote an affidavit, but did not make it to the JP's office in time to get it signed.
  - 12.1. I discovered that Max was expecting extra money to cover lodging the form 2, whilst I was unaware that the money I had sent him had run out.
13. On 7 December I had it signed scanned and posted.
14. I am also struggling with stress induced depression and this makes it hard to function properly.
15. On 17 December 2018 I sent the Court of Appeal a form 13, Application for a review, as I am very concerned that my house will be seized to pay for Court costs, and this review would hopefully resolve the problem without as much risk to my house.
16. On 28 December 2018 I received an email from the Court of Appeal stating that the Application for review was denied, and I needed to modify my Application to Appeal. I first saw it too late to complete that same day.
17. The Post office was not open on the weekend of 29 and 30 December.
  - 17.1. The Post office was not open on new years eve or new years day.
  - 17.2. I posted a revised appeal form on 2 January 2019.
18. Between 7<sup>th</sup> and 17<sup>th</sup> January I was doing casual labour on a remote mine site with no access to a printer, scanner, JP or a post office, and intermittent Internet access.
19. On 18<sup>th</sup> January I completed the paperwork, printed it, had it witnessed and I will scan it and post it to the Court of Appeal as soon as possible.

This affidavit is *affirmed* by Andrew Laughton in the presence of an authorised witness on 18 January 2019.



[Signature of person making the affidavit]



[Signature of authorised witness]

Authorised witness

[Name of authorised witness]

[Qualification of authorised witness] <sup>5</sup>

