

# State Reporting Bureau



Queensland Government  
Department of Justice and Attorney-General

## Transcript of Proceedings

Copyright in this transcript is vested in the Crown. Copies thereof must not be made or sold without the written authority of the Director, State Reporting Bureau.

REVISED COPIES ISSUED  
State Reporting Bureau

Date 11 / 11 / 02

SUPREME COURT OF QUEENSLAND

CIVIL JURISDICTION

MUIR J

No 7824 of 2000

CASH RESOURCES AUSTRALIA PTY LTD  
(ACN 004 792 330)

Plaintiff

and

ROBERT SCOTT MUIR and CARMEL MARGARET MUIR  
(By Original Action)

Defendant

ROBERT SCOTT MUIR

Plaintiff

and

CASH RESOURCES AUSTRALIA PTY LTD  
(ACN 004 792 330)

First Defendant

and

RUDOLF RICHARD HOPFNER

Second Defendant

and

PAULA LUNDBERG

Third Defendant

and

CHRIS WLODARCZYK & CO

Fourth Defendant

07012002 T2-3/FLC4 M/T 1/2001 (Muir J)

1

and

JOE THAM

Fifth Defendant

and

HOPGOOD AND GANIM

Sixth Defendant

10

BRISBANE

..DATE 07/01/2002

ORDER

2

30

40

50

60

HIS HONOUR: In respect of the application by the fifth and sixth defendants by counterclaim I excuse non-compliance with the rules in respect of the filing and service of the application before me and affidavits in support. I similarly excuse any non-compliance with the rules which may exist in respect of filing and serving of material on the other applications. I do so because it seems to me by now to be abundantly apparent that the defendants Robert Scott Muir and Carmel Margaret Muir do not wish to prosecute their defence or counterclaims in the action.

10

20

Mr Earl of the solicitors who formerly acted for Mrs Muir appeared this morning and informed the Court of having spoken to both Mr and Mrs Muir this morning and of having been informed that they did not intend to appear on the hearing of those applications. I should say their conduct as deposed to in the affidavit material also makes plain the accuracy of my observations.

30

40

...

HIS HONOUR: I am satisfied that the defence ought be struck out and that judgment should be given for the defendant. The background to this matter is set out in the plaintiff's and defendants by counterclaim respective outlines of submissions. Those outlines have been made exhibits. I accept the accuracy of the facts there asserted. The respondent defendants have failed to comply with orders of the court. They are not prosecuting their

50

60

claims. If the defences and counterclaims are not struck out the applicants will be put to the unnecessary expense of preparing for a trial which will not be prosecuted by the defendants. I order in terms of the draft initialled by me.

10

...

HIS HONOUR: I dismiss the counterclaims by Robert Scott Muir against the third and fourth defendants and against the fifth and sixth defendants respectively. I order that the respondent Robert Scott Muir pay the costs (including reserved costs) of the applicant fifth and sixth defendants by counterclaim and of the applicant third and fourth defendants by counterclaim of and incidental to the counterclaims and of the applications made by them respectively, such costs to be assessed on the standard basis.

2

30

I make identical orders in respect of the counterclaims made by Carmel Margaret Muir against such applicant defendants by counterclaim on their respective applications.

40

...

50

-----

60