



Transcript of Proceedings

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Date 27/02/02

SUPREME COURT OF QUEENSLAND

CIVIL JURISDICTION

JONES J

No 5 of 2000

SCOTT JAMES BOLTON

Respondent (Plaintiff)

and

JULIAN (JOE) PORTELLI

Applicant (Defendant)

CAIRNS

..DATE 25/02/2002

JUDGMENT

As corrected
[Signature]

HIS HONOUR: This is an application by the defendant to strike out the plaintiff's claim for damages. The plaintiff, in his statement of claim, alleges a cause of action for personal injuries which arose on the 14th of August 1999.

Since the defendant filed its defence on 30th of October 2000, the plaintiff has taken no further step. In July 2001 an application was made by the defendants, seeking orders for the plaintiff's compliance with rules 211 and 214 of the Uniform Civil Procedure Rules.

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The plaintiff was, prior to the time, represented by a firm of solicitors. As at July 2001, their solicitors were unable to obtain further instructions from their client and they sought and were granted leave to withdraw.

On the 9th of July 2001, by order of this Court, the plaintiff was ordered to deliver a list of documents within seven days of the order coming to his attention and to deliver a statement of loss and damage. The terms of that order were served on the plaintiff on the 25th of September 2001.

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In the excess of four months which has elapsed since the serving of that order, the plaintiff has taken no step to pursue his claim. The defendant now applies, pursuant to rule 280 of the Uniform Civil Procedure Rules, that the plaintiff's action be struck out for want of prosecution. The plaintiff does not appear to argue against this application.

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In those circumstances, it seems to me that the plaintiff has lost interest in pursuing his action and I will therefore order that it be struck out.

I order the plaintiff to pay the defendant's costs of and incidental to the action to be assessed.
