

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: 16 December, 2003

SUPREME COURT OF QUEENSLAND

CIVIL JURISDICTION

JONES J

Claim No 10 of 1998

BRANDENBURG INVESTMENTS PTY LTD IN
 ITS CAPACITY AS TRUSTEE OF THE B M &
 I A B FAMILY TRUST AND MILPERA
 INVESTMENTS PTY LTD IN ITS CAPACITY
 AS TRUSTEE OF THE GREG KERN FAMILY
 TRUST

Plaintiffs

and

JIM BARLOW CAIRNS PTY LTD and
 WOLRAB PTY LTD

First Defendants

and

TREVOR JAMES BARLOW AND MARGARET
 THERESA BARLOW

Second Defendants

and

BABFOLD PTY LTD

Third Defendant

and

MARK BOULTER

Fourth Defendant

and

WARNING: The publication of information or details likely to lead to the identification of persons in some proceedings is a criminal offence. This is so particularly in relation to the identification of children who are involved in criminal proceedings or proceedings for their protection under the *Child Protection Act 1999*, and complainants in criminal sexual offences, but is not limited to those categories. You may wish to seek legal advice before giving others access to the details of any person named in these proceedings.

JIM BARLOW CAIRNS PTY LTD AND WOLRAB
PTY LTD

Defendants by
counterclaim

and

B M AND I A BRANDENBURG DEVELOPMENTS
PTY LTD IN ITS CAPACITY AS TRUSTEE OF
THE B M AND I A FAMILY TRUST AND
MILPERA INVESTMENTS PTY LTD IN ITS
CAPACITY AS TRUSTEE OF THE GREG KERN
FAMILY TRUST

First Defendants by
counterclaim

1

and

BRADLEY MAURICE BRANDENBURG AND
GREGORY JAMES KERN

Second Defendants by
counterclaim

CAIRNS

2

..DATE 08/12/2003

JUDGMENT

3

4

5

HIS HONOUR: This is an application by Gadens Lawyers pursuant to rule 990 of the Uniform Civil Procedure Rules for leave to withdraw as solicitors for the third and fourth defendants. The application is to be decided without hearing oral argument.

I am satisfied that the third and fourth respondents have been served with the application and supporting material, as appears from the affidavit of Joanna Lucas filed on the 30th of June 2003. The further affidavit of Ms Lucas filed on the 28th of April 2003 details that proper notification has been given to the third and fourth defendants of the application and the applicant's intention to withdraw. The third and fourth defendants have not responded to the relevant notices by appointing new solicitors or by giving notice pursuant to rule 986 of UCPR that they or either of them are intending to act in person.

In all the circumstances I grant leave and order that the third and fourth respondents pay the costs of and incidental to this application. My orders will be in terms of the draft initialled by me and placed with the papers.
