

SUPREME COURT OF QUEENSLAND

CITATION: *Lang v McArthur & Ors* [2019] QSC 137

PARTIES: **PETA DEANN LANG**
(Applicant)
v
DR ARCHIBALD MCARTHUR
(First Respondent)

AND

DR TERENCE MCGUIRE
(Second Respondent)

AND

THE MATER MISERICORDIAE LTD ABN 83 096 708 922
(Third Respondent)

FILE NO/S: BS No 10426 of 2018

DIVISION: Trial Division

PROCEEDING: Application

DELIVERED ON: 31 May 2019

DELIVERED AT: Brisbane

HEARING DATE: On the papers, without oral hearing

JUDGE: Brown J

ORDER: **The order of the Court is that:**
1. The applicant pay the respondents' costs of the application.

COUNSEL: RD Green for the applicant
DLK Atkinson for the first respondent
D De Jersey for the second and third respondents

SOLICITORS: CMC Lawyers for the applicant
Avant Law for the first respondent
Barry Nilsson Lawyers for the second and third respondents

[1] I refer to my reasons delivered in this matter on 10 May 2019.

[2] My orders were:

1. The application pursuant to s 31 of the *Limitation of Actions Act 1974* (Qld) is dismissed.
 2. Unless submissions are made to the contrary and provided to me within seven days, the applicant pay the respondents' costs of the application.
 3. Any submissions as to any further consequential relief required be provided to me within seven days.
- [3] On 17 May 2019, in consideration of a request made by the Applicant, I granted an extension to all parties for the provision of submissions pursuant to the above orders, to 27 May 2019.
- [4] No submissions have been received from the Applicant.
- [5] The Respondents have indicated that they did not wish to make submissions¹ and that their position is that there is no evident reason costs should not follow the event, the application having been dismissed on 10 May 2019.
- [6] In the circumstances, consistent with the Order I made on 10 May 2019, costs should follow the event, no contrary submissions having been received.

Orders

- [7] I order that:

- 1. The applicant pay the respondents' costs of the application.**

¹ Although the Respondents reserved the right to reply to any submissions of the Applicant.