

COURT OF APPEAL

McMURDO P

Appeal No 3706 of 2002

QLINE INTERIORS PTY LTD
(ACN 076 840 518)

Respondent
(Plaintiff)

and

JEZER CONSTRUCTION GROUP PTY LTD
(ACN 054 548 319)

Appellant
(First Defendant)

and

MAGNAMAIN INVESTMENTS PTY LTD
(ACN 074 822 521)

Not party to appeal
(Second Defendant)

and

PETER GRAHAM SCHMITH

Not party to appeal
(Third Defendant)

and

DORIS NGIE-LIK TING

Not party to appeal
(Fourth Defendant)

and

MICHAEL WAI-MAN CHOI

Not party to appeal
(Fifth Defendant)

BRISBANE

..DATE 23/08/2002

ORDER

THE PRESIDENT: This appeal was filed on 8 April 2002. The appellant has not met any of the times in the timetable provided by the Registry to comply for preparing this matter for appeal.

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The undertaking about the record book was due to be filed on 30 April. It was not filed until 3 May 2002. The appellant's outline was originally due on 14 May 2002. This was extended to 30 May and then to 13 June 2002 and finally to 20 June 2002 and is still outstanding.

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The settled index was due on 2 July 2002 and the record book was due on 16 July 2002. Those matters are also outstanding. The appellant's legal representatives have been sent a number of letters reminding them of their responsibilities and have been notified in writing of the mention this morning and yet have not appeared. It is most concerning that, as officers of the Court, the solicitors for the appellant have not shown the courtesy to appear this morning and I expect an explanation of that immediately.

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In the circumstances, I make the following orders:

The appellants are to comply with the new guidelines for the preparation of this appeal to be issued by the Deputy Registrar Appeals. Non-compliance with any of those guidelines will result in this matter being listed before me for the appellants to show cause why this matter should not be struck out for want of prosecution.

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The appellants are to pay the respondents' costs of today's hearing.
