

SUPREME COURT OF QUEENSLAND

CITATION: *Davey v TriCare Ltd* [2003] QSC 087

PARTIES: **JOE EMMA DAVEY**
(plaintiff)
and
TRICARE LIMITED ACN 009 657 345
(defendant)

FILE NO: SC 3126 of 2001

DIVISION: Trial Division

PROCEEDING: Further order

ORIGINATING COURT: Supreme Court Brisbane

DELIVERED ON: 8 April 2003

DELIVERED AT: Brisbane

HEARING DATE: 6 December 2002

JUDGE: Ambrose J

ORDER: **I order that the plaintiff pay to the defendant its costs of and incidental to her action to be assessed on a standard basis as from 12 February 2001**

CATCHWORDS: COSTS – Offers to settle – where plaintiff awarded damages below Magistrates Court scale – whether defendant should get costs

COUNSEL: J G Crowley QC with P B de Platter for the plaintiff
R Myers for the defendant

SOLICITORS: Ken Owens Solicitors for the plaintiff
McCullough Robertson for the defendant

- [1] AMBROSE J: On 6 December 2002 I gave judgment for the plaintiff against the defendant in the sum of \$22,116.76 reserving the question for costs until I received written submission from counsel for the plaintiff and the defendant.
- [2] Having received those submissions I now order that the plaintiff pay to the defendant its costs of and incidental to her action to be assessed on a standard basis as from 12 February 2001.
- [3] I make no order with respect to any costs incurred by the plaintiff in pursuit of her action.