

COURT OF APPEAL

KEANE JA

**Appeal No 4294 of 2005
SC No 3802 of 2003**

ROBERTSON ST PROPERTIES PTY LTD ACN 058 675 577	First Respondent/Plaintiff
v	
RPM PROMOTIONS PTY LTD ACN 103 249 118	Not party to appeal/First Defendant
SIMON MOSLEY Defendant	Second Respondent/Second
ARLO SELBY AKA ARLO SUN AKA ARLO SELVEY	Appellant/Third Defendant
MARK LEONARD SEABROOK	Third Respondent/Fourth Defendant
OSIER PTY LTD (ACN 010 254 252)	Fourth Respondent/Fifth Defendant
LESLIE GEORGE WILSON	Fifth Respondent/Fifth Defendant

**Appeal No 4264 of 2005
SC No 3802 of 2003**

ROBERTSON ST PROPERTIES PTY LTD ACN 058 675 577	First Respondent/Plaintiff
v	
RPM PROMOTIONS PTY LTD ACN 103 249 118	Not party to appeal/First Defendant
SIMON MOSLEY	Not party to appeal/Second Defendant
ARLO SELBY AKA ARLO SUN AKA ARLO SELVEY	Not party to appeal/Third Defendant
MARK LEONARD SEABROOK	Appellant/Fourth Defendant
OSIER PTY LTD ACN 010 254 252	Not party to appeal/Fifth Defendant

LESLIE GEORGE WILSON

Not party to appeal/Sixth Defendant

BRISBANE

DATE 16/09/2005

ORDER

KEANE JA: I will direct that the respondent prepare a record book of any further material to be included for the Court on the appeal by 21st September 2005.

...

KEANE JA: I direct that the respondent/plaintiff prepare a further record of material to be included in the record for the Court of Appeal by 21st September 2005.

...

KEANE JA: In my view, the position adopted by Robertson St. Properties in relation to the preparation of the record and the effective insistence on this mention today has been characterised by extreme unreasonableness and a failure to cooperate in accordance with the spirit of the rules.

In my view, the costs of today's mention should be paid to the other parties to the mention by Robertson St. Properties and those costs should be assessed on the indemnity basis.