

COURT OF APPEAL

McMURDO P

Appeal No 3589 of 2002

PICO HOLDINGS INC

Appellant/Applicant

and

WAVE VISTAS PTY LTD  
(FORMERLY TURF CLUB AUSTRALIA PTY  
LTD)  
(ACN 088 729 819)

First Respondent/First  
Respondent

and

NATIONAL BANK LIMITED

Second Respondent/  
Second Respondent

BRISBANE

..DATE 01/12/2006

ORDER

MR M R BLAND (instructed by Gilbert & Tobin) for the appellant  
MS R E KENNEDY (of Mallesons Stephen Jaques) for the first  
respondent

MR B T PORTER (instructed by Thynne & Macartney) for the  
second respondent

THE PRESIDENT: For the reasons that have clearly emerged in  
the discussion between me and counsel during this hearing, the  
appellant's tardiness in progressing this matter is now  
bordering on the inexcusable.

In those circumstances it is my view that the appropriate  
order is that the appellant file and serve its outline of  
argument by 4 p.m. on Friday 19 January 2007 and that the  
parties then comply with the directions of the Deputy  
Registrar (Appeals) to prepare the appeal for hearing.

If the appellant does not comply with that order, the appeal  
is to be struck out with costs without further order.

...

THE PRESIDENT: The reason for this mention has clearly been  
occasioned by the tardiness of the appellant but the parties  
do seem to be in negotiation with a view to settling the  
appeal. In those circumstances the appropriate order is that  
the appellant pay the respondents' costs of and incidental to  
today's hearing but I order that those costs be paid at the  
determination of the appeal, that is they are costs in any  
event.

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