

COURT OF APPEAL

DAVIES JA

Appeal No 2308 of 2002

TERRY PATRICK SHARPLES

(Not Party to Appeal/
(Plaintiff)

DESMOND J O'SHEA `

(Not Party to Appeal/
First Defendant)

PAULINE HANSON'S ONE NATION

Respondent
(Second Defendant)

THE HON. ANTHONY JOHN ABBOTT

Applicant
(Not Party to Appeal)

BRISBANE

..DATE 26/09/2002

ORDER

DAVIES JA: This is an application to strike out a subpoena purportedly issued by Mr Ettridge, the respondent to this proceeding. There are, it seems to me, a number of fatal errors in the subpoena. The proceeding in which it purports to be filed has been completed some time ago by judgment. Mr Ettridge was never a representative party on the side he apparently wishes to appear in that proceeding and is not now, and there are other substantial difficulties in the way of this subpoena.

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I have read the material and the written outline put forward by Mr Smith. It seems to me plain that the subpoena must be struck out and accordingly I strike it out.

MR SMITH: Would your Honour order costs in my client's favour?

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DAVIES JA: Yes, Mr Smith.

DAVIES JA: The subpoena is struck out with costs.

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