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## Transcript of Proceedings

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State Reporting Bureau  
Date: 27 September, 2006

SUPREME COURT OF QUEENSLAND

CIVIL JURISDICTION

JONES J

Application No 361 of 2006

DIANE KENNEDY

Applicant

and

RICHARD JAMES MONTGOMERY

First Respondent

and

FREEMONT BLUES PTY LTD  
(ACN 093 234 363)

Second Respondent

CAIRNS

..DATE 13/09/2006

JUDGMENT

**WARNING:** The publication of information or details likely to lead to the identification of persons in some proceedings is a criminal offence. This is so particularly in relation to the identification of children who are involved in criminal proceedings or proceedings for their protection under the *Child Protection Act 1999*, and complainants in criminal sexual offences, but is not limited to those categories. You may wish to seek legal advice before giving others access to the details of any person named in these proceedings.

HIS HONOUR: In this matter I have received, as Exhibit 1, the letter from Herbert Geer Rundle, by which the respondents consent to the substantive matter raised on the application. Their letter is silent as to the question of costs. In that regard it seems to me that the appropriate order is that the costs should be costs in the cause in any proceedings commenced pursuant to this leave.

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In respect of the other matters of the order I am about to make, the solicitors for the respondents have consented to its terms.

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I will therefore make orders in terms of the draft initialled by me and placed with the papers.

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