

IN THE SUPREME COURT OF VICTORIA
 AT MELBOURNE
 MAJOR TORTS LIST
 COMMON LAW DIVISION

No.4877 of 2002

BETWEEN:

ANTHONY JOHN FOSTER

Plaintiff

and

NOREEN HARRISON and OTHERS
(according to the Schedule attached)

Defendants

SUMMONS

Date of Document:	December 2004
Filed on behalf of:	The First to Sixth Defendants
Prepared by:	
Corrs Chambers Westgarth	Solicitors Code: 9973
Solicitors	DX: 336
Bourke Place	Tel: 9672 3000
600 Bourke Street	Fax: 9602 5544
Melbourne Vic 3000	Ref: Richard Leder

To: The Plaintiff

And to: His Solicitors
 Messrs Williams Winter
 377 Lonsdale Street
 Melbourne 3000

You are summoned to attend before the Judge in Charge of the Major Torts List on the hearing of an application by the First to Sixth Defendants for orders that:

1. Paragraphs 1(d), 11, 13 and the particulars thereto and 14 of the amended statement of claim be struck out as against the first defendant pursuant to Rule 23.01 of the *Supreme Court (General Civil Procedure) Rules 1996 (the Rules)*.
2. Paragraphs 1(d), 2(c)-(d), 3(c)-(f), 6(e), 7(c), 11, 13 and the particulars thereto and 14 of the amended statement of claim be struck out as against the second defendant pursuant to Rule 23.02 of the Rules.
3. (a) That there be judgment for the third defendant or, alternatively, that the proceeding against the third defendant be stayed pursuant to Rule 23.01 and/or Rule 23.03 of the Rules.

- (b) Alternatively to (a), paragraphs 1(d), 2(d), 4, 6(e), 7(c), 8(d), 9, 11, 13 and the particulars thereto and 14 of the amended statement of claim be struck out against the third defendant pursuant to Rule 23.02 of the Rules.
4. (a) That there be judgment for the fourth defendant or, alternatively, that the proceeding against the fourth defendant be stayed pursuant to Rule 23.01 and/or Rule 23.03 of the Rules.
- (b) Alternatively to (a), paragraphs 1(d), 2(d), 5(c)(iv)-(vi), 5(d) and the particulars thereto, 8(d), 9, 10, 11, 13 and the particulars thereto and 14 of the amended statement of claim be struck out as against the fourth defendant pursuant to Rule 23.02 of the Rules.
5. Paragraphs 1(d), 6(d)-(e), 8(d), 9, 11, 13 and the particulars thereto and 14 of the amended statement of claim be struck out as against the fifth defendant pursuant to Rule 23.02 of the Rules.
6. Paragraphs 8(d), 9, 13 and the particulars thereto and 14 of the amended statement of claim be struck out as against the sixth defendant pursuant to Rule 23.02 of the Rules.
7. The plaintiff pay the costs of this application.
8. Such further order or orders as the Court thinks fit.

The application will be heard before the Judge in Charge of the Major Torts List, Supreme Court, William Street, Melbourne, on _____ at _____ or so soon afterwards as the business of the Court allows.

FILED

This summons was filed by Corrs Chambers Westgarth of 600 Bourke Street, Melbourne, solicitors for the First to Sixth Defendants.

DATED the _____ day of December 2004

CORRS CHAMBERS WESTGARTH
Solicitors for the First to Sixth Defendants