RULE 5.02(2)

**FORM SB**

**AMENDED ORIGINATING MOTION BETWEEN PARTIES**

**IN THE COUNTY COURT OF VICTORIA ATGEELONG**

**COMMON LAW DIVISION SERIOUS INJURY LIST**

**No. CI-16-88263**

In the matter of *[the specific provision relied on under an Act - Rule 27.02 (2) ]*

BETWEEN

**RAFIQ KADER Plaintiff**

And

**NAYLOR OPERATIONS PTY LTD**

coURT *Op*

# Defendant

 , ,.. *I*

Date of document:17th June , 2016 0,.....

Filed on behalf of: The Plaintiff *(]* %

Solicitors Code:6685

Prepared by: DX 22225

1 La Trobe Terrace Geelong 3220

, 1 *JUN 2016*

J:>

Simpson Lawyers Tel. No.:52 61 3336

Fax. No: 52 61 8887

Ref:155:YT: 11888

### TO THE DEFENDANT

TAKE NOTICE that is proceeding by originating motion has been brought against you by the plaintiff for the relief or remedy set out below.

IF YOU INTEND TO DEFEND the proceeding , or if you have a claim against the plaintiff which you wish to have taken into account at the trial, YOU MUST GIVE NOTICE of your intention by filing an appearance within the proper time for appearance stated below.

YOU OR YOUR SOLICITOR may file the appearance. An appearance is filed by-

1. filing a "Notice of Appearance" in the Registrar's office in the County Court Registry, 250 William Street, Melbourne, or, where the originating motion has been filed in the office of a Registrar out of Melbourne, in the office of that Registrar; and
2. on the day you file the Notice, serving a copy, sealed by the Court, at the plaintiff's address for service, which is set out at the end of this originating motion.

IF YOU FAIL to file an appearance within the proper time, the plaintiff may OBTAIN JUDGMENT AGAINST YOU on the claim without further notice.

\*THE PROPER TIME TO FILE AN APPEARANCE is as follows-

1. where you are served with the originating motion in Victoria, within IO days after service;
2. where you are served with the originating motion out of Victoria and in another part of Australia , within 21 days after service;
3. where you are served in the originating motion in New Zealand or in Papua New G uinea, within 28 days after service;
4. where you are served with the originating motion in New Zealand under Part 2 of the Trans- Tasman Proceedings Act 20 IO of the Commonwealth, within 30 working days (within the meaning of that Act) after service or, if a shorter or longer period has been fixed by the Court under section 1 3( I )(b) of that Act, the period so fixed;
5. where you are served with the originating motion in any other place , within 42 days after service.

FILED

### Registrar

THIS ORIGINATING MOTION is to be served within one year from the date it is filed or within such further period as the Court orders.

**RELIEF OR REMEDY SOUGHT**

THE PLAINTIFF seeks Leave pursuant to s.134AB(37)(b) and (c) of the Accident Compensation Act 195 (as amended) to bring proceedings and claim against the Defendants its servants and/or agents for injuries suffered as a consequence of his knife slipping whilst boning a chicken and stabbing himself in the abdomen on or about the 23rd April, 2014.

**PARTICULARS OF INJURIES**

Injury to the Abdomen Scaring and Psychological

Restriction;

Limitation of movement;



**Signed by Solicitor for the Plaintiff**

1. Place of trial- GEELONG
2. \*\*This originating motion was filed­
	1. ~~by the plaintiff in person;~~
	2. for the plaintiff by Jason Schembri, solicitor, of Simpson Lawyers, 1 La Trobe Terrace, Geelong 3220;
	3. ~~for the plaintiff by~~ *~~[name of firm of solicitor],~~* ~~solicitor, of~~ *~~[business address of solicitor]~~* ~~as agent for~~ *~~[name of firm/principal solicitor],~~* ~~solicitor, of~~ *~~[business address (of principal].~~*
3. The address of the plaintiff is- 102 Security Street, Corio 3214
4. The address for service of the plaintiff is- **1 La Trobe Terrace, Geelong Vic 3220** [*Where the plaintiff sues by a solicitor, the address for service is the business address of the solicitor or, where the solicitor acts by an agent, the business address of the agent. Where the plaintiff sues without a solicitor, the address for service is stated in 3, but; where that address is outside Victoria, the plaintiff must state an address for service within Victoria.]*
5. The address of the defendant is- 63 Clarke Street, Richmond 3121

*\*[Strike out this paragraph where order made fixing time for appearance and substitute*

"THE PROPER TIME TO FTLF AN APPFARANCF *is within*

*days after service on you of this originating motion."]*

*\*\*[Complete or strike out as appropriate.]*