

## IN THE COUNTY COURT OF VICTORIA AT MELBOURNE

COMMON LAW DIVISION - GENERAL LIST

No.CI-14-07978

## BETWEEN

**SAVANNAH MALEY** Plaintiff

## and

**OLIVER O’SHANE** Defendant

# DEFENCE

## Date of document: Filed on behalf of: Prepared By:

Glover & Hawke Lawyers Level 3,242 Queen Street

## MELBOURNE, VIC. 3000

1 July 2015 The Defendant

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**THE ABOVENAMED DEFENDANT,** to the Statement of Claim annexed to the Amended Writ herein, says:-

## He admits the allegations in paragraph 1.

1. He admits the allegation s in paragraph 2.
2. He admits the allegations in paragraph 3.
3. He does not plead lo the allegations in paragraph 4 as the same contains only allegations of law and does not contain any allegation of fact against him.
4. He denies each and every allegation in paragraph 5.
5. He denies each and every allegation in paragraph 6.
6. He does not admit any of the allegations in paragraph 7.

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1. He does not admit that he was an " occupier" of the premises. He does not otherwise plead to the allegations in paragraph 8 as the same contains only allegations of law and does not contain any other allegation of fact against him.
2. He denies each and every allegation in paragraph 9.
3. He does not admit any of the allegations in paragraph 10.
4. He does not admit any of the allegations in paragraph 11.
5. He does not admit any of the allegations in paragraph 12.
6. If the Plaintiff were injured as a result of the negligence and/ or breach of duty (statutory or otherwise) with the Defendant , she was guilty of contributory negligence

# PARTICULARS

* 1. Failing to keep any or any proper lookout;

(b) Placing herself in a position of danger;

(c) If the sleepers were defective, dangerous and/ or in need of replacement (Which allegations are not admitted but which are expressly denied) –

* 1. failing to avoid the area in which the same were located;
	2. failing to report such fact to the Defendant and/or the managing agent of the premises.

# J. K. McGIRR

**SERVED** the 1st day of July 2015

 *Glover & Hawke Lawyers*

 Solicitors for the Defendant