Rule 5.02(1)

IN THE COUNTY COURT OF VICTORIA AT MELBOURNE

COMMON LAW DIVISION GENERAL LIST

BETWEEN:-

## BEN MORRICE

**FORM5A**

Plaintiff

-and-

## JULIAN ORD

**WRIT**

Defendant

Date of Document: Filed on behalf of: Social Legal Australia Level 15

22 Queens Street

Melbourne Vic 3000

12 September 2016 The Plaintiff

Solicitor's Code: 006900

Telephone: 9963 6363

Facsimile: 9963 6364 Email: reception@lloydsolicitor.com

 Ref:22156 TO THE DEFENDANT

TAKE NOTICE that this proceeding has been brought against you by the plaintiff for the claim set out in this writ.

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 writ 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 Com1, at the plaintiffs address for service, which is set out at the end of this writ.

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

*OR* - *Delete if nor applicable* THE PROPER TIME TO FILE AN APPEARANCE is as follows ­

1. where you are served with the writ in Victoria, within 10 days after service;
2. where you are served with the writ out of Victoria and in another part of Australia, within 21 days after service;
3. where you are served with the writ in Papua New Guinea, within 28 days after service;
4. where you are served with the writ in New Zealand under Part 2 of the Trans-Tasman Proceedings Act 2010 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 13(1)(b) of that Act, the period so fixed;
5. in any other case, within 42 days after service of the writ.

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IF the plaintiff claims a debt only and you pay that debt, namely, $ N/A, and *$NI*A for legal costs to the plaintiff or his solicitor within the proper time for appearance, this proceeding will come to an end. Notwithstanding the payment you may have the costs taxed by the Court.

FILED

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

## STATEMENT OF CLAIM

Attached to this *W rit. Details of claim*

SOCIAL LEGAL AUSTRALIA

Solicitor for the Plaintiff

1. Place of trial -
2. Mode of trial - Judge alone
3. This writ was filed for the Plaintiff by Social Legal Australia, Solicitors of Level 15, 22 Queens Street, Melbourne Vic 3000.
4. The address of the Plaintiff is- 1 Lock Street, Melbourne, 3000
5. The address for service of the Plaintiff is - *Cl-* Social Legal Australia, Level 15, 22 Queens Street, Melbourne Vic 3000.
6. The address of the defendant is- 16 Fossil Street, Melbourne, 3000

**IN THE COUNTY COURT OF VICTORIA AT MELBOURNE**

**COMMON LAW DIVISION**

**GENERAL LIST** No. CI-16-98772

# BETWEEN:-

**Ben Morrice**

Plaintiff

-and-

**Julian Ord**

Defendant

**STATEMENT OF CLAIM**

Date of Document: Filed on behalf of:

Prepared by:

SOCIAL LEGAL AUSTRALIA

# Solicitors

Level 15, 22 Queen Street MELBOURNE VIC 3000

6 September 2016

 The Plaintiff

Tel: 9663 6363

Fax: 9663 6364

1. On or about 9 March 2014, the Defendant punched the Plaintiff in th face outside the front of the premises of the Peel Hotel in Wellington Street, Collingwood **("the battery").**
2. As a result of the battery the Plaintiff suffered injury, loss and damage

**("the injury").**

**PARTICULARS OF INJURY**

Fractured left orbital floor requiring surgical reconstruction including the insertion of a titanium plate and screws

Facial scarring PTSD symptoms

Anxiety and Depression

**PARTICULARS OF SPECIAL DAMAGE**

Hospital, medical and like expenses have been incurred to date and have been paid by the Plaintiff.

Full particulars of the Plaintiffs claim for special damages will be provided prior to trial.

**PARTICULARS OF LOSS OF EARNINGS AND LOSS OF EARNING CAPACITY**

The Plaintiff was born on 18 January 1987.

In the 12 months prior to sustaining injury the Plaintiff was employed by Victoria Police.

The Plaintiff was off work for 4 weeks as a result of his injury.

Full particulars of the Plaintiff's claim for loss of earnings prior to trial.

**AND THE PLAINTIFF CLAIMS DAMAGES INCLUDING AGGRAVATED DAMAGES**

 **MR A KNOWLES**

 **SOCIAL LEGAL AUSTRALIA**