

user20

From: Scott Richardson <ScottRichardson@adriantwigg.com.au>
Sent: Monday, 2 July 2012 5:19 PM
To: Thompson, Mark
Subject: RE: Australian Native Landscapes V Gary Goodman
Attachments: 20120702181553332.pdf

Thanks Mark,

Can you then pass on the attached to Gary – not sure why it didn't reach him. It wasn't returned to our offices.

Anyway, I will be in touch again soon.

Kind regards,

Scott Richardson | Solicitor | Adrian Twigg & Co Solicitors and Conveyancers
Level 10 162 Goulburn Street Sydney NSW 2000
PO Box 605 Darlinghurst NSW 1300
DX 267 Sydney
P 02 9264 7244 | F 02 9264 7508
Email: ScottRichardson@adriantwigg.com.au

PRIVILEGED AND CONFIDENTIAL SOLICITOR-CLIENT COMMUNICATIONS AND/OR LEGAL WORK PRODUCT

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From: Thompson, Mark [<mailto:THOMPSOM@botanybay.nsw.gov.au>]
Sent: Monday, 2 July 2012 4:59 PM
To: Scott Richardson
Subject: RE: Australian Native Landscapes V Gary Goodman

Scott

This has been passed on to Gary.

He said that he has not received the invoice.

Mark Thompson

From: Scott Richardson [<mailto:ScottRichardson@adriantwigg.com.au>]
Sent: Monday, 2 July 2012 10:52 AM
To: Thompson, Mark
Subject: RE: Australian Native Landscapes V Gary Goodman

Hi Mark,

Can you please pass this email on to Gary.

NSW ICAC EXHIBIT

Dear Gary,

We are still awaiting the particulars of claim from the Plaintiff's solicitors. We spoke with them last week and they said they were obtaining instructions still. It is likely they are waiting to see the outcome of the proceedings against Patricia before responding.

We will let you know as soon as we have a reply.

Can you also confirm receipt of our account dated 12 June?

Kind regards,

Scott Richardson | Solicitor | Adrian Twigg & Co Solicitors and Conveyancers

Level 10 162 Goulburn Street Sydney NSW 2000

PO Box 605 Darlinghurst NSW 1300

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From: Thompson, Mark [<mailto:THOMPSOM@botanybay.nsw.gov.au>]

Sent: Wednesday, 6 June 2012 10:18 AM

To: Scott Richardson

Subject: Australian Native Landscapes V Gary Goodman

Scott

Gary Goodman asked me to forward the attached.

Mark Thompson

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From: Scott Richardson <ScottRichardson@adriantwigg.com.au>
Sent: Monday, 16 July 2012 9:33 AM
To: Thompson, Mark
Subject: Australian Native Landscapes V Gary Goodman
Attachments: 20120716102734767.pdf

Dear Gary,

Please see response from the Plaintiff's solicitors attached.

We will appear on Friday and obtain directions for the further progress of the matter.

Please confirm once our outstanding account has been paid.

Kind regards,

Scott Richardson | Solicitor | Adrian Twigg & Co Solicitors and Conveyancers

Level 10 162 Goulburn Street Sydney NSW 2000 PO Box 605 Darlinghurst NSW 1300 DX 267 Sydney P 02 9264 7244 | F 02 9264 7508

Email: ScottRichardson@adriantwigg.com.au

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From: Scott Richardson <ScottRichardson@adriantwigg.com.au>
Sent: Wednesday, 1 August 2012 12:12 PM
To: Thompson, Mark
Subject: RE: Australian Native Landscapes V Gary Goodman
Attachments: Court Orders 20.7.pdf; Further Amended SoC 31.7.pdf; Amended Defence 31.7.pdf

Dear Gary,

Please see attached the following:

1. Court Orders from 20 July 2012;
2. Further Amended Statement of Claim from the Plaintiff; and
3. Amended Defence to be filed on your behalf.

The matter has been listed for hearing on 27 September (you will have to attend Court on that day).

A sworn statement from you must be filed with the Court and served on the other side by 13 September. I will contact you approximately 7 days prior to the 13th to arrange a time for you to attend our offices and sign the statement.

We will forward you an up to date account in the next week or so and give you an estimate of costs for preparing and appearing at the hearing. Those fees will be required to be paid 7 days prior to the hearing.

If you have any questions, please give us a call.

Kind regards,

Scott Richardson | Solicitor | Adrian Twigg & Co Solicitors and Conveyancers
Level 10 162 Goulburn Street Sydney NSW 2000
PO Box 605 Darlinghurst NSW 1300
DX 267 Sydney
P 02 9264 7244 | F 02 9264 7508
Email: ScottRichardson@adriantwigg.com.au

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SMALL CLAIMS DIVISION
CASE MANAGEMENT ORDER



PARRAMATTA LOCAL COURT CASE NO: 2012/77851

PLAINTIFF

Australian Native Landscapes Pty

DEFENDANT

Gary GOODMAN

HEARING DETAILS

Date: *THURSDAY, 27TH SEPTEMBER, 2012*

Time: *10.00 AM*

Place: Parramatta Local Court, 12 George St, Parramatta. Court 0.1

Last date for exchange and filing of documentary evidence: *18TH SEPTEMBER, 2012*

Case Management Order

1. Unless the Magistrate, Assessor or Registrar made a direction permitting oral evidence to be given at the hearing, the proceedings will be determined on the basis of the written statements and other documentary material that is filed at the Local Court registry and exchanged between the parties no later than the date referred to above (being no later than 14 days before the hearing). The Court may allow any documents produced under subpoena issued with the leave of the Court or produced under a Notice to Produce to be admitted as evidence.
2. If a party fails to exchange statements and other documentary material at least 14 days before the hearing then the Court may refuse to allow the party to rely on that evidence at the hearing.
3. The hearing will be conducted with as little formality as possible. The rules of evidence do not apply at the hearing.
4. Each party will have the opportunity to attend and make comments and present arguments and provide final submissions on the evidence.
5. If a party fails to attend the hearing the Court may strike out the statement of claim or defence.

Ⓢ Any amended defence or cross claims to be filed & served by *18th Sept* ~~21st~~ *2nd* August, 2012

[Signature]
Deputy Registrar

20.7.12

Form 3A (version 1)
UCPR 6.2**FURTHER AMENDED STATEMENT OF CLAIM****COURT DETAILS**

Court	Local
#Division	Small Claims
#List	Civil
Registry	Parramatta
Case number	2012 / 00077851

TITLE OF PROCEEDINGS

Plaintiff	AUSTRALIAN NATIVE LANDSCAPES PTY LTD ACN 001 749 980
Number of plaintiffs	1
First Defendant	GARY GOODMAN TRADING AS GARDEN EXTRA PLANT NURSERY & LANDSCAPE CENTRE
Second Defendant	DAVID GOODMAN TRADING AS GARDEN EXTRA PLANT NURSERY & LANDSCAPE CENTRE
Third Defendant	PATRICIA GOODMAN TRADING AS GARDEN EXTRA PLANT NURSERY & LANDSCAPE CENTRE
Number of defendants	3

FILING DETAILS

Filed for	Plaintiff
Legal representative	Karl Balian & Co Pty Ltd Level 3, 410 Church Street NORTH PARRAMATTA NSW 2151 Email: KB2@bigpond.com
Legal representative reference	212889
Contact name and telephone	Karl Balian Tel: (02) 9890 2788 Fax: (02) 9890 1511 Email: KB2@bigpond.com
Court user number	90

TYPE OF CLAIM

Mercantile Law – Goods Sold and Delivered

RELIEF CLAIMED

Judgment for the plaintiff against the defendant in the sum of \$7,471.43

Together with costs and interest as set out below:-

Amount of claim	\$7,471.43
Interest	\$15.66
Filing fees	\$172.00
Service fees	\$78.00
Solicitors fees	\$467.20
TOTAL	\$8,204.29

PLEADINGS AND PARTICULARS

1. The Plaintiff claims the amount of \$7,471.43 in respect of goods sold and delivered from Australian Native Landscapes Pty Ltd to GARDEN EXTRA PLANT NURSERY & LANDSCAPE CENTRE pursuant to an agreement with the defendant, incurred between Wednesday 5 Oct 2011 and Tue 10 Jan 2012.
2. In the alternative, the Plaintiff claims the sum of \$7,471.43 in respect of goods sold and delivered to the defendants and Garden Extra Plant Nursery and Landscape Centre for the period 5 Oct 2011 and 10 Jan 2012, for which the defendants and Garden Extra Plant Nursery and Landscape Centre received the benefit of and were otherwise unjustly enriched, and is otherwise a claim under quantum meruit.

SIGNATURE OF LEGAL REPRESENTATIVE

This statement of claim does not require a certificate under section 347 of the Legal Profession Act 2004.

I have advised the plaintiff that court fees may be payable during these proceedings.

These fees may include a hearing allocation fee.

Signature

Capacity

Date of signature

Solicitor on Record

Originally signed 9 March 2012 amended 19 July 2012

NOTICE TO DEFENDANT

You will be in default if you do not file a defence within 28 days of being served with this statement of claim. The court may enter judgment against you without any further notice to you. The judgment may be for the relief claimed in the statement of claim and for the plaintiff's costs of bringing these proceedings. The court may provide third parties with details of any default judgment entered against you.

HOW TO RESPOND

Please read this statement of claim very carefully. If you have any trouble understanding it or require assistance on how to respond to the claim you should get legal advice as soon as possible.

You can respond in one of the following ways:

- 1 If you intend to dispute the claim, by filing a defence and/or making a cross-claim.
- 2 If money is claimed, and you believe you owe the money claimed, by:
 - Paying the plaintiff all of the money and interest claimed. If you file a notice of payment under UCPR 6.17 further proceedings against you will be stayed unless the court otherwise orders.
 - Filing an acknowledgement of the claim.
 - Applying to the court for further time to pay the claim.
- 3 If money is claimed, and you believe you owe part of the money claimed, by:
 - Paying the plaintiff that part of the money that is claimed.
 - Filing a defence in relation to the part that you do not believe is owed.

You can get further information about what you need to do to respond to the claim from:

- The court registry.
- A legal practitioner.
- LawAccess NSW on 1300 888 529 or at www.lawaccess.nsw.gov.au.

Court forms are available on the UCPR website at www.lawlink.nsw.gov.au/ucpr or at any NSW court registry.

NSW ICAC EXHIBIT

From: Karl Balia & Co Pty Ltd

To: 092647508
+61 2 98901511

20/07/2012 16:45

#051 P.005/007

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REGISTRY ADDRESS

Street address	Cnr George and Marsden Streets, PARRAMATTA 2150
Postal address	AS ABOVE
Telephone	(02) 8688 4091

NSW ICAC EXHIBIT

From: Karl Balia & Co Pty Ltd

To: 092647508
+61 2 98901511

20/07/2012 16:45

#051 P.006/007

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FURTHER DETAILS ABOUT PLAINTIFF

Plaintiff

Name Australian Native Landscapes Pty Ltd

Address

317 Mona Vale Road

TERREY HILLS

NSW

2124

Legal representative for plaintiff

Name Karl Balian

Practising certificate number 24348

Firm

Karl Balian & Co Pty Ltd

NORTH PARRAMATTA NSW 2151

Email: KB2@bigpond.com

Address

Level 3 410 Church Street

NORTH PARRAMATTA

NSW 2151

PO BOX 2257

NORTH PARRAMATTA

NSW 1750

DX address

28335 PARRAMATTA

Telephone

02 9890 2788

Fax

02 98901511

Email

KB2@bigpointd.com

DETAILS ABOUT DEFENDANTS

First Defendant

Name Gary Goodman Trading As GARDEN EXTRA PLANT
NURSERY & LANDSCAPE CENTRE
58 -60 Crystal Street
PETERSHAM NSW 2049

Second Defendant

Name David Goodman Trading As GARDEN EXTRA PLANT
NURSERY & LANDSCAPE CENTRE
58 -60 Crystal Street
PETERSHAM NSW 2049

Third Defendant

Name Patricia Goodman Trading As GARDEN EXTRA
PLANT NURSERY & LANDSCAPE CENTRE
58 -60 Crystal Street
PETERSHAM NSW 2049

Form 7A (version 3)
UCPR 14.3

AMENDED DEFENCE**COURT DETAILS**

Court	Local Court of New South Wales
Division	Small Claims Division
Registry	Parramatta
Case number	2012/00077851

TITLE OF PROCEEDINGS

Plaintiff	AUSTRALIAN NATIVE LANDSCAPES PTY LIMITED
First defendant	GARY GOODMAN trading as Garden Extra Plant Nursery & Landscape Centre
Number of defendants	3

FILING DETAILS

Filed for	Gary Goodman, first defendant
Legal representative	Scott Jason Arnold Richardson Adrian Twigg & Co.
Legal representative reference	PCN: 44091 NSW Ref: SR:BN:20120019
Contact name and telephone	Scott Jason Arnold Richardson Tel. (02) 9264 7244

HEARING DETAILS

Listing date for next hearing

PLEADING AND PARTICULARS

1. The amended statement of claim does not disclose a cause of action against the First Defendant.
2. Further The First Defendant says that it is, and was at all material times to this proceeding, the case that:
 - (a) No agreement exists between the Plaintiff and the First Defendant.
 - (b) From approximately January 2011, the First Defendant ceased to trade as Garden Extra Plant Nursery & Landscape Centre; and
 - (c) The First Defendant at no time received delivery of any goods from Australian Native Landscapes Pty Limited between Wednesday 5 October 2011 and Tuesday 10 January 2012.

3. The First Defendant denies that he was enriched or received any benefit as a result of the Plaintiff supplying goods between Wednesday 5 October 2011 and Tuesday 10 January 2012.

SIGNATURE OF LEGAL REPRESENTATIVE

This defence does not require a certificate under section 347 of the Legal Profession Act 2004.

Signature

Capacity

Date of signature

Solicitor on record

/ / 2012

FURTHER DETAILS ABOUT FILING PARTY

First defendant:

Name: **GARY GOODMAN**
Address: **7/38 Elizabeth Street, Wetherill Park NSW 2012**

Legal representative for filing party:

Name: **Scott Richardson**
Practising certificate number: **44091 NSW**
Firm: **Adrian Twigg & Co.**
Contact solicitor: **Scott Jason Arnold Richardson**
Address: **Level 10, 162-166 Goulburn Street, Sydney NSW 2010**
DX address: **DX 267 SYDNEY**
Telephone: **(02) 9264 7244**
Fax: **(02) 9264 7508**
Email: **scottrichardson@adriantwigg.com.au**
Electronic service address: **Not applicable**