

SUPREME COURT OF QUEENSLAND

REGISTRY: BRISBANE
NUMBER: BS 4337/05

Plaintiff: Russell Gordon Haig Mathews

AND

First Defendant: Rev Canon Professor Dr John Morgan (Morgan)

AND

Second Defendant: Brisbane City Council (BCC).

AND

Third Defendant: Hugh Douglas McVean, (Hugh)

AND

Fourth Defendant: Coral Louise McVean, (Coral)



Application: Filed by the plaintiff: **Russell Gordon Haig Mathews**
254 Hawken Drive, St Lucia, Q4067.
Ph. 3870-9772.

Form 9 R.32

Emlad: russellm@humbug.org.au

TAKE NOTICE that the plaintiff is applying to the Court for the following orders:

1. That the firm of Lawyers styled Butler McDermott and Egan, [BME], a firm of Lawyers of Nambour be joined as defendants in this Claim. [Rule 70 UCPR.]

2. That the Court formally note that the plaintiff is disabled and vulnerable for the course of the pleadings and proceedings in this claim.

3. That for the course of this Claim BS4337/05 the right enjoyed by the disabled and vulnerable plaintiff Russell Gordon Haig Mathews to be accompanied by his two assist dogs in court be recognised by the court and that that recognition be conveyed to TRANSLINK AND the defendant Brisbane City Council [BCC] in respect to the Applicant's travel on BCC buses to Court, accompanied by his assist dogs. **[Sections 6 and 9, Disability Discrimination Act 1992 (Cth) [DDA]]**

4. That BME be instructed to provide a copy of the will of Russell Gordon Haig Mathews Snr, the deceased father of the plaintiff, to the plaintiff.

5. That the First Defendant, Morgan provide the plaintiff with details of the Real Estate Agents and their sales representatives, of Hugh McVean, with whom he, Morgan, has had contact on the subject of the possible purchase of the property at 254 Hawken Drive since 25 February, 1994.

6. That the Third Defendant, Hugh McVean provide the plaintiff with details of the Real Estate Agents and their sales representatives with whom he, Hugh McVean, has had contact on the subject of the sale of the property at 254 Hawken Drive since 25 February, 1994.

7. That the paragraphs numbered 30 to 39 inclusive in the document Headed "Amended [Additional] Claim" and exhibited to the accompanying affidavit of Russell Gordon Haig Mathews as Exhibit RGHM5 be included in the Claim in this matter BS4337/05.

8. That the paragraphs numbered 166 to 219 inclusive in the document Headed "Amended [Additional] Statement of Claim" and exhibited to the accompanying affidavit of Russell Gordon Haig Mathews as Exhibit RGHM6 be included in the Statement of Claim in this matter BS4337/05.

9. That each Application by each of the defendants to strike out the whole or part of the plaintiff's original Statement of Claim be itself struck out.

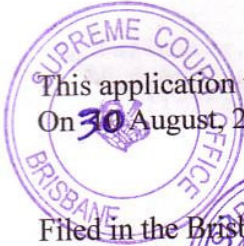
10. That the COPYRIGHT in all the photos and video taken by BCC of the Plaintiff's home and yard and of the Plaintiff during the gutting of his yard on 29, 30 November, and 1 December, 2004, including the ones showing the great mounds of soil removed, and photos taken at all other times, be transferred to the Plaintiff.

11. That the plaintiff be given the leave of the court to amend this claim further to include the matters of Malicious arrest, Malicious prosecution, abuse of process and related matters, connected with the same police officer who attended the gutting of the yard of 254 Hawken Drive, where and when he arrested the plaintiff on 29 November, 2004;

12. That the Plaintiff be given the leave of the court to serve documents both originating and subsequent process on existing and new defendants to be joined, by the process of sending facsimile scans, which is the intermediate step in photocopying, by electronic transmission attached to email transmission, with the safeguards as instructed by the Court, such as requesting a reply, both in the email and automatically by the email sending program;



13. Such further or other Orders as the Court Deems appropriate;
14. That Butler McDermott and Egan, a firm of Lawyers, and each of the defendants pay the costs of the plaintiff of the application.



This application will be heard by the Court at Brisbane
On 30 August, 2005 at 10 am

Filed in the Brisbane Registry on 3rd August, 2005.

Registrar:

If you wish to oppose this application or to argue that any different order should be made, you must appear before the Court in person or by your lawyer and you shall be heard. If you do not appear at the hearing the orders sought may be made without further notice to you.

On the hearing of the application the applicant intends to rely on the following affidavits:

1. Affidavit of Russell Gordon Haig Mathews affirmed on 3 Aug 2005
- 2.
3. Affidavit of DEF to be sworn (*or as the case may be*).

THE APPLICANT ESTIMATES THE HEARING SHOULD BE ALLOCATED
TWO.....Hours/Minutes

Signed:

Description: Plaintiff.

Dated: 3rd August, 2005.



This application is to be served on: **Brisbane City Council.**
Of Brisbane Administration Centre,
69 Ann Street,
Brisbane.

"Geoff Evans, Solicitor, Brisbane City Legal Practice of Brisbane City Council." Geoff.Evans@brisbane.qld.gov.au
"David Askern, Solicitor, Brisbane City Legal Practice of Brisbane City Council." [<david.askern@brisbane.qld.gov.au>](mailto:david.askern@brisbane.qld.gov.au)

AND

Rev. Canon Professor Dr John Morgan,
Warden, of St John's College,
The University of Queensland,
St Lucia, Brisbane.

"Rev. Canon Prof. Dr John Morgan, Warden, St John's College, University of Qld."
John.Morgan@mailbox.uq.edu.au
"Nicholas Roger Wilson Bailey, for Rev Canon Prof Dr John Morgan, defendant in BS4337/05." mail@robertsonogorman.com.au

AND

Hugh Douglas McVean,
Of "Coorabel" Windsor Rd Nambour 4560
Hugh McVean hmcv6560@bigpond.net.au
AND

Coral Louise McVean,
Of "Coorabel" Windsor Rd Nambour 4560
Coral McVean hmcv6560@bigpond.net.au
AND

Butler McDermott and Egan, [BME] a firm of Lawyers
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