

IN THE SUPREME COURT OF WESTERN AUSTRALIA

BETWEEN:

No. CIV 2112 of 1993

RALPH BLEWITT

Plaintiff

- and -

LEN GANDINI

First Defendant

- and -

TERRENCE CARTER

Second Defendant

- and -

EVETER PTY. LTD. (TRADING AS VICTORIA
PARK COPY & PRINTING CENTRE)

Third Defendant

- and -

KINETAS PTY. LTD. (TRADING AS SUPERMAIL)

Fourth Defendant

AFFIDAVIT OF DOCUMENTS OF THE PLAINTIFF,

RALPH BLEWITT, SWORN: 15 MARCH 1994

Date of Document: - 5 APR 1994

Filed on behalf of: Plaintiff - 5 APR 1994

Prepared by:

Slater & Gordon

Solicitors

14 Ventnor Avenue

WEST PERTH WA 6005

Solicitors Code:

FAX

321-4840

Tel No:

321-6745

Ref:

LF:SF

Deponent: Ralph Blewitt

Sworn: 15 / 3 / 94

I, RALPH BLEWITT of C/- PO Box 8122, Stirling Street, Perth in the State of Western Australia the abovenamed Plaintiff MAKE OATH AND SAY as follows:

1. I have in my possession, custody or power, the documents relating to the questions in the proceeding enumerated in Schedule 1.
2. The documents enumerated in Part 2 of Schedule 1 are privileged, and I object to produce them. The documents are privileged on the grounds that the same are privileged on grounds apparent from their description.
3. I have had, but no longer have, in my possession, custody or power, the document relating to the questions in the proceeding enumerated in Schedule 2.
4. Documents referred to in Schedule 2, were never in my possession, custody or power.

FILED

5 APR 1994

NOTICE



Ralph Blewitt

BML:J

5. To the best of my knowledge, information and belief neither I nor my Solicitor nor any other person on my behalf has now, or ever had, in my or his possession, custody or power, any document relating to any question in the proceeding, other than the documents enumerated in the said Schedule 1 and 2.

SCHEDULE 1

Part 1

1. Copy documents received from the fourth Defendant including:
- (i) invoice for job 12517;
 - (ii) copy business card of Victoria Park Copy & Printing Centre;
 - (iii) copy "Notice of Concern" dated September 1993;
 - (iv) copy order form for job number 12517.

Part 2

1. Professional communications of a confidential character between the Plaintiff and the Plaintiff's Solicitors and Counsel solely for the purpose of obtaining or giving legal advice and assistance.
2. Confidential communications at the instance and request and for the use of the Plaintiff's Solicitors between the Plaintiff and the Plaintiff's Solicitors after this action was threatened or anticipated solely for the purpose of obtaining and furnishing to the Plaintiff's Solicitors evidence and information as to evidence which will be obtained and otherwise for the use of the Plaintiff's Solicitors to enable them to prosecute this action on the Plaintiff's behalf and to advise the Plaintiff.
3. Documents prepared by the Plaintiff's Solicitors after this action was threatened or anticipated solely for the purpose of prosecuting this action.

SCHEDULE 2

The originals of the correspondence and documents referred to in Item 1 in the First Part of the First Schedule hereto.



Salmon

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IN THE SUPREME COURT OF WESTERN AUSTRALIA

2112 / 93

BETWEEN

CIV ~~2122~~ of 1993

RALPH BLEWITT

Plaintiff

and

LEN GANDINI

First Defendant

and

EVETER PTY LTD Trading as VICTORIA
PARK COPY AND PRINTING CENTRE

Second Defendant

and

TERRENCE CARTER

Third Defendant

and

KINETAS PTY LTD Trading as SUPERMAIL

Fourth Defendant

**REQUEST FOR DISCOVERY OF THE
FOURTH DEFENDANT'S DOCUMENTS**

Date of document: 26 July 1994

Filed on behalf of: Plaintiff

Date of filing: 26 July 1994

Prepared by: Slater & Gordon
Barristers & Solicitors
14 Ventnor Avenue
West Perth WA 6005

Telephone: 321 6745
Reference: IU BM lh 937805

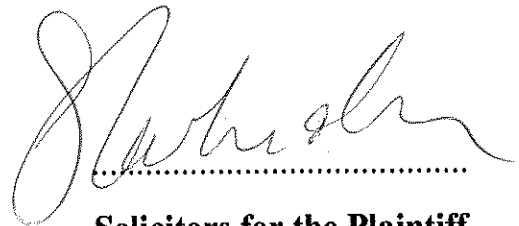
TAKE NOTICE that the plaintiff requires the fourth defendant, by its company secretary, within 10 days of the date of service hereof to answer on

26 JUL 1994
CENTRAL OFFICE
SUPREME COURT

696 26/7

affidavit stating what documents the fourth defendant has or has had in its possession or power relating to the matters in issue between the parties and whether the fourth defendant objects to the production of such documents as are in its possession or power and, if so, upon what grounds and within the period aforesaid to state the time when and the place at which such documents may be inspected.

AND FURTHER TAKE NOTICE that the plaintiff requires the fourth defendant to produce and show to the court at the trial of this action all the aforementioned documents.



.....

Solicitors for the Plaintiff

TO: The fourth defendant and its solicitors
ARNS & ASSOCIATES
284 Oxford Street
Leederville WA 6007

Ref: PA JLN 930489

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IN THE SUPREME COURT OF WESTERN AUSTRALIA

B E T W E E N:

2112 1993
CIV. 2122 of 1994

RALPH BLEWITT

Plaintiff

and

LEN GANDINI

First Defendant

and

EVETER PTY. LTD. Trading as VICTORIA
PARK COPY AND PRINTINT CENTRE

Second Defendant

and

TERRENCE CARTER

Third Defendant

and

KINETAS PTY LTD Trading as SUPERMAIL

Fourth Defendant

CHAMBER SUMMONS FOR FIRST DEFENDANT TO PROVIDE DISCOVERY

Date of Document: 29.11.1994 1994

Filed on behalf of: Plaintiff 29.11.1994

Prepared by:

Messrs. Slater & Gordon
Solicitors
14 Ventnor Avenue
WEST PERTH WA 6005

Telephone No: 321 6745
Reference: LF:SF:6534
Ms L. Formato

LET ALL PARTIES attend before the Master in Chambers on
THURS day the 11TH day of AUGUST 1994 at 10-30
o'clock in the FORE noon, on the hearing of an
application on the part of the Plaintiff for orders that:

- JA
1. Within ²¹10 days from the date of this order the First Defendant do make and serve on the Plaintiff a list of the documents which are or have been in his possession, custody or power relating to any matter in question in this action and that he do within the same period make and file an affidavit verifying that list and serve a copy thereof on the Plaintiff.

2. The First Defendant pay the Plaintiff's costs of this application in any event, *and legal costs.*

DATED the *29th* day of *July* 1994.

TO: The First Defendant

AND

TO: It's solicitors
D.H. Schapper
31 Brewer Street
EAST PERTH WA 6000
Ref: DHS

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IN THE SUPREME COURT OF WESTERN AUSTRALIA

B E T W E E N:

2112 1993
CIV. 2122 of 1994

RALPH BLEWITT

Plaintiff

and

LEN GANDINI

First Defendant

and

EVETER PTY. LTD. Trading as VICTORIA
PARK COPY AND PRINTINT CENTRE

Second Defendant

and

TERRENCE CARTER

Third Defendant

and

KINETAS PTY LTD Trading as SUPERMAIL

Fourth Defendant

CHAMBER SUMMONS FOR SECOND DEFENDANT TO PROVIDE DISCOVERY

Date of Document: 29 JUL 1994 1994

Filed on behalf of: Plaintiff

Prepared by:

Messrs. Slater & Gordon
Solicitors
14 Ventnor Avenue
WEST PERTH WA 6005

Telephone No: 321 6745
Reference: LF:SF:6535
Ms L. Formato

LET ALL PARTIES attend before the Master in Chambers on
THURS day the 11TH day of AUGUST 1994 at 10.30
o'clock in the FORE noon, on the hearing of an
application on the part of the Plaintiff for orders that:

1. Within 10 days of the date of this order the Second Defendant do make and serve on the Plaintiff a list of the documents which are or have been in its possession, custody or power relating to any matter in question in this action and that it do within the same period make and file an affidavit sworn by Terence John Carter, Company Secretary and Director verifying that list and serve a copy thereof on the Plaintiff.

FILED

29 JUL 1994

CENTRAL OFFICE
SUPREME COURT

29/7

2. The Second Defendant pay the Plaintiff's costs of this application in any event.

DATED the *27th* day of *July* 1994.

TO: The Second Defendant

AND

TO: ~~It's solicitors~~

Dwyer Durack

10th Floor, Dwyer Durack House

40 St. George's Terrace

PERTH WA 6000

Ref: C.L. Tan

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IN THE SUPREME COURT OF WESTERN AUSTRALIA

B E T W E E N:

CIV. 2122 of 1994

RALPH BLEWITT

Plaintiff

and

LEN GANDINI

First Defendant

and

EVETER PTY. LTD. Trading as VICTORIA
PARK COPY AND PRINTINT CENTRE

Second Defendant

and

TERRENCE CARTER

Third Defendant

and

KINETAS PTY LTD Trading as SUPERMAIL

Fourth Defendant

CHAMBER SUMMONS FOR THIRD DEFENDANT TO PROVIDE DISCOVERY

Date of Document: 29 JUL 1994 1994

Filed on behalf of: Plaintiff

Prepared by:

Messrs. Slater & Gordon
Solicitors
14 Ventnor Avenue
WEST PERTH WA 6005

Telephone No: 321 6745
Reference: LF:SF:6536
Ms L. Formato

LET ALL PARTIES attend before the Master in Chambers on
THURSDAY the 11TH day of AUGUST 1994 at 10-30
o'clock in the FOREnoon, on the hearing of an
application on the part of the Plaintiff for orders that:

1. Within 10 days from the date of this order the Third Defendant do make and serve on the Plaintiff a list of the documents which are or have been in his possession, custody or power relating to any matter in question in this action and that he do within the same period make and file an affidavit verifying that list and serve a copy thereof on the Plaintiff.

25 JUL 1994
CLERK OF THE SUPREME COURT

29/7

2. The Third Defendant pay the Plaintiff's costs of this application in any event.

DATED the *27th* day of *July* 1994.

TO: The Third Defendant

AND

TO: ~~It's solicitors~~

Dwyer Durack

10th Floor, Dwyer Durack House

40 St. George's Terrace

PERTH WA 6000

Ref: C.L. Tan

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IN THE SUPREME COURT OF WESTERN AUSTRALIA

B E T W E E N:

CIV. 2122 of 1994

RALPH BLEWITT

Plaintiff

and

LEN GANDINI

First Defendant

and

EVETER PTY. LTD. Trading as VICTORIA
PARK COPY AND PRINTINT CENTRE

Second Defendant

and

TERRENCE CARTER

Third Defendant

and

KINETAS PTY LTD Trading as SUPERMAIL

Fourth Defendant

CHAMBER SUMMONS FOR FOURTH DEFENDANT TO PROVIDE DISCOVERY

Date of Document: ^{25 AUG 1994} 1994
Filed on behalf of: Plaintiff ^{25 AUG 1994}

Prepared by:

Messrs. Slater & Gordon
Solicitors
14 Ventnor Avenue
WEST PERTH WA 6005

Telephone No: 321 6745
Reference: LF:SF:6628
Ms L. Formato

LET ALL PARTIES attend before the Master in Chambers on
THURS day the ^{8TH} day of ^{SEPTEMBER} 1994 at 10.30
o'clock in the ^{FORE} noon, on the hearing of an
application on the part of the Plaintiff for orders that:

1. Within 10 days from the date of this order the Fourth Defendant do make and serve on the Plaintiff a list of the documents which are or have been in his possession, custody or power relating to any matter in question in this action and that he do within the same period make and file an affidavit verifying that list and serve a copy thereof on the Plaintiff.

FILED
25 AUG 1994

25/8

M/C
8/9/94

2. The Fourth Defendant pay the Plaintiff's costs of this application in any event.

DATED the day of 1994.

TO: The Fourth Defendant

AND

TO: It's solicitors
Arns & Associates
284 Oxford Street
LEEDERVILLE WA 6007
Ref: PA:JLN 930489

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IN THE SUPREME COURT OF WESTERN AUSTRALIA

BETWEEN :

NO. CIV 2112 OF 1993

RALPH BLEWITT

Plaintiff

and

LEN GANDINI

First Defendant

and

**EVETER PTY LTD trading as VICTORIA PARK
COPY & PRINTING CENTRE**

Second Defendant

and

TERENCE CARTER

Third Defendant

and

KINETAS PTY LTD trading as SUPERMAIL

Fourth Defendant

NOTICE OF SECOND AND THIRD DEFENDANTS ACTING IN PERSON

Date of Filing : The 15th day of AUG 19 94

Filed on behalf of: The Second and Third Defendants

Prepared for:
The Second and Third Defendants
c/- 255 Albany Highway Tel: 470 2755
VICTORIA PARK WA

REF: T Carter

TAKE NOTICE that the Second and Third Defendants hereby act in person in place of Messrs Dwyer Durack.

The address for service for the Second and Third Defendants is 255 Albany Highway, Victoria Park in the State of Western Australia.

Maile!
.....
Third Defendant
for and on behalf of the Second and Third Defendants

930981 11/10-01
AUG 1994
CENTRAL OFFICE
SUPREME COURT

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IN THE SUPREME COURT OF WESTERN AUSTRALIA

B E T W E E N:

No. CIV 2112 OF 1993

RALPH BLEWITT

Plaintiff

and

LEN GANDINI

First Defendant

and

EVETER PTY LTD trading as VICTORIA PARK
COPY & PRINTING CENTRE

Second Defendant

and

TERENCE CARTER

Third Defendant

and

KINETAS PTY LTD trading as SUPERMAIL

Fourth Defendant

NOTICE OF FIRST DEFENDANT ACTING IN PERSON

08 SEP 1994

Date of filing:

Filed By:

The First Defendant

08/09

TAKE NOTICE that the First Defendant hereby acts in person in place of Mr Derek Schapper.

The address for service for the First Defendant is C/- 216 Rutland Avenue, Carlisle in the State of Western Australia.

[Signature]
.....
First Defendant

CENTRAL OFFICE
SUPREME COURT
- 8 SEP 1994
FILED

8/9

29.
IN THE SUPREME COURT OF WESTERN AUSTRALIA

CIV No. 2¹/₁₂ of 1993

B E T W E E N :

RALPH BLEWITT

Plaintiff

and

LEN GANDINI

First Defendant

and

EVETER PTY LTD T/AS VICTORIA
PARK COPY AND PRINTING CENTRE

Second Defendant

and

TERRENCE CARTER

Third Defendant

and

KINETAS PTY LTD T/AS SUPERMAIL

Fourth Defendant

AFFIDAVIT OF BRADLEY MOORE
VERIFYING LIST OF DOCUMENTS
SWORN THE ~~x21st~~ DAY OF ~~September~~ 1994

Date of Document: August 1994

Filed on behalf of: The Fourth Defendant

Date of Filing: 26 ~~August~~ ^{SEPTEMBER} 1994

Prepared by:

ARNS & ASSOCIATES
Barristers & Solicitors
284 Oxford Street
LEEDERVILLE WA 6007

Telephone: 242 4265
Reference: PA:JLN:930489
1777A

CENTRAL OFFICE
SUPREME COURT

30 SEP 1994

FILED

ITEM

DESCRIPTION

PAGE NO.

Affidavit
Annexure "A"

BRADLEY MOORE
List of Documents

1
2 - 5

ml 26/9

I, **BRADLEY MOORE** of 27 Newcastle Street, Perth in the State of Western Australia, Managing Director being duly sworn make oath and say as follows :-

1. I am the Managing Director of Kinetas Pty Ltd trading as Supermail, the Fourth Defendant in these proceedings.

2. The statements made by me in paragraphs 1, 3 and 4 of the List of Documents now produced and shown to me and marked with the letter "A" are true.

3. The statements of fact made by me in paragraph 2 of the said List are true.

4. The statements made by me in paragraph 5 of the said List are true to the best of my knowledge information and belief.

SWORN by the Deponent
at *Perth* in the State of
Western Australia this *21st*
day of *September* 19*94*

)
) *[Signature]*
)
)

Before me:

[Signature]

KSP

A Commissioner of the Supreme Court of
Western Australia for taking Affidavits/
A Justice of the Peace

M.E. BONNEY
JUSTICE of the PEACE
137 EDWARD STREET
PERTH W.A. 6000
TEL: 328 2322

"A"

LIST OF DOCUMENTS

The following is a List of Documents relating to the matters in question in this action which are or have been in the possession, custody or power of the abovenamed Fourth Defendant, ("the Party").

1. The Party has in the Party's possession, custody or power the documents relating to the matters in question in this action enumerated in Part 1 of the First Schedule hereto.
2. The Party objects to producing the documents enumerated in Part 2 of the said First Schedule on the ground that those documents are only of a nature as they are in Part 2 of the First Schedule specified to be and are by reason of their nature as therein specified privileged from production.
3. The Party has had but does not now have in the Party's possession, custody or power the documents relating to the matters in question in this action enumerated in the Second Schedule hereto.
4. Of the documents enumerated in the Second Schedule hereto the copy letters were last in the Party's possession custody or power on or about the dates thereof when they were despatched to the addresses shown thereon.
5. Neither the Party nor the Party's Solicitors nor any other person on the Party's behalf, have now, or ever have had in their possession, custody or power any document of any description whatever relating to any matter in question in this action, other than the documents in the First and Second Schedules hereto.



FIRST SCHEDULEPART 1

No	Description of Document	Date
1.	Copy document "Notice of Concern"	09.93
2.	Copy Defendant facsimile transmission to Doug Vyrer	undated
3.	Copy facsimile transmission Australian Workers Union to Bradley Moore	04.03.94
4.	Copy document "Membership Renewal 1993/1994"	
5.	Copy envelope design for Australian Workers Union	undated
6.	Copy invoice Fourth Defendant to BLF	27.06.94
7.	Copy brochure Builders' Labourers Federation "Travel to and from work ... fully protected by your union"	undated
8.	Copy letter BLF to members	21.06.94
9.	Copy Fourth Defendant jobsheet for BLF	27.06.94
10.	Copy invoice Fourth Defendant to BLF	27.06.94
11.	Copy brochure "Travel to and from work ... fully protected by your union"	undated
12.	Copy letter Co-operative Plasterers & Plaster Workers' Union to Members	21.06.94
13.	Fourth Defendant jobsheet for BLF	27.06.94
14.	Copy invoice Fourth Defendant to BLF	28.06.94
15.	Copy letter BLF to Member	undated
16.	DHL Shipment Airway Bill Fourth Defendant to BLF	25.06.94
17.	Copy jobsheet Fourth Defendant to BLF	24.03.94
18.	Copy invoice Fourth Defendant to BLF	24.03.94
19.	Copy letter Plasterers Union to Member	undated
20.	Fourth Defendant jobsheet for BLF	24.03.94

21.	Copy invoice Fourth Defendant to BLF	07.10.93
22.	Amalgamation Brochure	undated
23.	Fourth Defendant jobsheet for BLF	07.10.93
24.	Copy invoice Fourth Defendant to Financial Sector Union	08.03.93
25.	Copy reports	undated
26.	Fourth Defendant jobsheet for Finance Sector Union	08.03.93
27.	Copy invoice Fourth Defendant to AMACSU	12.05.94
28.	Copy ASU Letter	undated
29.	Fourth Defendant jobsheet for AMACSU	12.05.94
30.	Copy invoice Fourth Defendant to AMACSU	24.03.94
31.	Copy Redundancy Seminar Paper	undated
32.	Fourth Defendant jobsheet for AMACSU	24.03.94
33.	Copy invoice Fourth Defendant to AMACSU	24.03.94
34.	Copy letter/Financial advice/Benefits	undated
35.	Fourth Defendant jobsheet for AMACSU	24.03.94
36.	Copy invoice Fourth Defendant to AMACSU	28.02.94
37.	Copy ASU News	undated
38.	Fourth Defendant jobsheet for AMACSU	28.02.94
39.	Copy invoice Fourth Defendant to Transport Workers Union	15.03.94
40.	Copy Letter/Card/Big Rig Day forms	undated
41.	Fourth Defendant jobsheet for Transport Workers Union	15.03.94
42.	Copy invoice Fourth Defendant to Victoria Park Copy and Print	21.09.93
43.	Fourth Defendant jobsheet for Victoria Park Copy and Print	21.09.93




- | | | |
|-----|---|---------|
| 44. | Correspondence and copy correspondence passing between the solicitors for the parties | various |
| 45. | Court documents filed in these proceedings | undated |

PART 2

Instructions given by the Plaintiff to his Solicitors for the purpose of preparing his case and instructions given to Counsel in regard thereto and Counsel's notes opinion and advice thereon. Notes and memoranda of evidence and information made or obtained by the Plaintiff's Solicitors on behalf of the Plaintiff for the information of his Solicitors and Counsel for the purpose of or in the course of this action.

SECOND SCHEDULE

1. The original of all letters written by the Party's Solicitors to the Plaintiff's Solicitors and to other parties which were last in the possession of the Party's Solicitors on or about the date of such letters.
2. The originals of pleadings and other documents filed in Court by the Party's Solicitors which were last in the possession of the Party's Solicitors on or about the date of such documents.

NOTICE TO INSPECT

TAKE NOTICE that the documents in the above List, other than those listed in Part 2 of the First Schedule and the Second Schedule may be inspected at the offices of Arns & Associates of 284 Oxford Street, Leederville, between the hours of 9 a.m. and 5 p.m..Monday to Friday, after due notice.

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IN THE SUPREME COURT OF WESTERN AUSTRALIA

B E T W E E N:

No. CIV 2112 OF 1993

RALPH BLEWITT

Plaintiff

and

LEN GANDINI AND OTHERS

Defendants

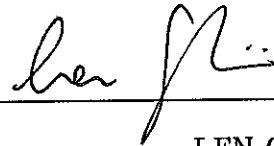
EX PARTE MOTION FOR DIRECTIONS

Date of Document: 12 11th October 1994.

Filed by: The First Defendant

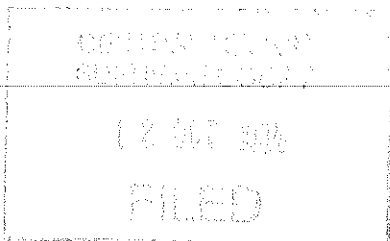
c/o 216 ROTLAND AVENUE, CARLUKE

The First Defendant to move before the Master in Chambers on ~~FR 1 -~~
^{the 21st} day of ~~OCTOBER~~ 1994 at the hour of 10-30 o'clock in the ~~Forenoon~~ or so
soon thereafter FOR AN ORDER in the terms set out in the minute
annexed hereto or on such other terms as the Court may deem fit.



LEN GANDINI

FIRST DEFENDANT



M/C.
~~24/10/94~~
3/11

12/10.