



## Insurance Banking & Construction

### A Daily Bulletin listing Decisions of Superior Courts of Australia

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#### Executive Summary (1 minute read)

**Weimann v Allphones Retail Pty Ltd** - Representative proceeding - settlement (B)

**Australian Competition & Consumer Commission v Allphones Retail Pty Ltd** - Representative proceeding - consent orders (B)

**Harrison v Sandhurst Trustees Ltd** - Representative proceeding - settlement (B)

**Metro Chatswood Pty Ltd v CRI Chatswood Pty Ltd (in liq) & Anor** - Transfer of proceedings to Land & Environment Court (C)

**PPP v QQQ as representative of the estate of RRR (dec'd)** - Personal injury proceedings - pseudonym order - discontinuance of proceeding (I)

**Ryan v Brazier** - Criminal injuries compensation - causation - no joint and several liability (I)

**True Value Solar (SA) Pty Ltd & Ors v Seven Network Ltd; Solar Installers Australia Pty Ltd v Channel Seven Adelaide Pty Ltd** - Application for injunction refused (I, C)



**Jaddcal Pty Ltd v Minson [No 2]** - s1335(1) *Corporations Act* 2001 (Cth) - application for security for costs granted (B)

**Webb v Pavicic** - Personal injuries - appeal from an assessment of damages allowed (I)

**Fatima v Mount Pritchard & Community Club Ltd** - Costs of application by plaintiff for preliminary discovery (I)

## Summaries with links (5 minute read)

### Monday 30 May 2011

**Weimann v Allphones Retail Pty Ltd [2011] FCA 537**

Federal Court of Australia

Foster J (in Sydney)

Representative proceeding - settlement between franchisor & twenty-one of its franchisees following mediation.

[Weimann](#) (B)

**Australian Competition & Consumer Commission v Allphones Retail Pty Ltd [2011] FCA 538**

Federal Court of Australia

Foster J (in Sydney)

Representative proceeding - consumer protection - *Trade Practices Act* 1974 (Cth) - whether the Court should make consent orders - orders sought appropriate.

[Allphones Retail](#) (B)

**Harrison v Sandhurst Trustees Ltd [2011] FCA 541**

Federal Court of Australia

Gordon J (in Melbourne)

Representative proceeding arising out of collapse of Fincorp Group of Companies - application for the Court to approve proposed settlement of this proceeding - proposed settlement fair & reasonable.

[Harrison](#) (B)

**Metro Chatswood Pty Ltd v CRI Chatswood Pty Ltd (in liq) & Anor [2011] NSWSC 434**

Supreme Court of New South Wales

Brereton J

s500(2) *Corporations Act* 2001 (Cth) - leave granted to commence proceedings against second defendant in liquidation - transfer of proceedings from Supreme Court to Land & Environment Court.

[Metro Chatswood](#) (C)

**PPP v QQQ as representative of the estate of RRR (dec'd) [2011] VSC 186**

Supreme Court of Victoria

Dixon J

Personal injury proceedings - discontinuance - suppression order - open justice principle - application to set aside pseudonym order made by consent prior to issue of proceeding refused - extensive consideration of case law from the United Kingdom, New Zealand & Australia.

[PPP](#) (I)

**Ryan v Brazier [2011] QCA 107**

Court of Appeal of Queensland

Muir JA, Wilson AJA, Atkinson J

Criminal injuries compensation - incident at hotel - causation - *Criminal Victims Act* 1995 (Qld) - whether applicant's conduct "directly & materially contributed" to respondent's mental condition - no joint and several liability.

[Ryan](#) (I)

[Brazier](#) - decision District Court 15 October 2010 in relation to criminal compensation - the Court found that the two respondents should be jointly & separately liable for compensation for the mental & nervous shock suffered by applicant - respondent Pember ordered to pay to applicant \$16,500 & respondents Pember & Ryan were be jointly & separately liable to pay applicant the sum of \$5,250 by way of criminal compensation.

**True Value Solar (SA) Pty Ltd & Ors v Seven Network Ltd; Solar Installers Australia Pty Ltd v Channel Seven Adelaide Pty Ltd [2011] SASC 91**

Supreme Court of South Australia

David J

Defamation - application for injunction to prevent defendants from broadcasting on television program - application refused.

[True Value Solar](#) (I, C)

**Jaddcal Pty Ltd v Minson [No 2] [2011] WASC 138**

Supreme Court of Western Australia

Le Miere J

s1335(1) *Corporations Act* 2001 (Cth) - deed containing restraint clause in relation to ice rink business - application for security for costs granted.

[Jaddcal](#) (B)

**Webb v Pavicic [2011] ACTCA 9**

Court of Appeal of the Australian Capital Territory

Gray P, Penfold & Katzmann JJ

Personal injuries - appeal from an assessment of damages - appeal allowed - judgment entered for plaintiff set aside - matter to be remitted for retrial limited as to damages before another judge.

[Webb](#) (I)

[Pavicic](#) - decision Supreme Court 30 April 2010: see 'Benchmark' I & IBC Tuesday 4 May 2010 - personal injuries - damages - whiplash injury to neck - probable facet joint injury - psychological condition secondary to chronic pain - loss of earning capacity - whether failure to submit to recommended treatment was failure to mitigate loss - death of expert witness before trial - whether statement of witness admissible - judgment for plaintiff in sum of \$904,895.85.

## **In the District Court of New South Wales...**

**Fatima v Mount Pritchard & Community Club Ltd [2011] NSWDC 29**

District Court of New South Wales

Neilson DCJ - 11 March 2011

Costs of application by plaintiff for preliminary discovery - application by defendant for stay of proceedings dismissed.

[Fatima](#) (I)

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