



Supreme Court
of New South Wales

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8 March 2018

Stephen Fitzgerald
2/1 Avalon Parade
Avalon Beach NSW 2107

Application to Postpone/~~waive~~ Fees

I refer to your application dated 26/2/18 requesting that the fees of summons payable be postponed/~~waived~~.

A registrar of the court has considered your application and in this instance has refused the application for the following reasons.

- Application refused, first claim under relief being sought in defamation, 2nd claim is not a proper subject of this court.

You may apply to the court for a review of the registrar's decision, under section 10 of the Attorney General's Guidelines on Fee Waiver and Postponement. The review will be conducted within 5 days of receipt of your review application, and you will be advised in writing of the outcome.

Yours faithfully

For the Principal Registrar

STATEMENT OF CLAIM

COURT DETAILS

Court	Supreme Court of NSW
#Division	Common Law
#List	Defamation List
Registry	Sydney
Case number	

TITLE OF PROCEEDINGS

Plaintiff	Stephen Fitzgerald
Defendant	Woolworths Ltd (t/a Woolworths Supermarkets)

FILING DETAILS

Filed for	Stephen Fitzgerald
Contact name and telephone	Stephen Fitzgerald 02 99732831
Contact email	info@hootgallery.com

TYPE OF CLAIM

DEFAMATION

RELIEF CLAIMED

- 1 A court order to have the defamation stricken from the Fair Work Commission records in matters U2016/14484 and C2017/2237 see Appendix "A" attached
- 2 Payment of court costs by the Defendant

PLEADINGS AND PARTICULARS

1 Pleadings: Defamation of character in proceedings in the Fair Work Commission (FWC) Matter U2016/14484 dated 3rd March 2017.

The defendant took advantage of the plaintiffs hearing disability to place the defamation of character onto the FWC court record.

The matter was given prominence in Aust. Financial Review article 2nd November 2017 "Shadow Lawyers bared" Circulation 313,000 per week and internet.

The matter was referred to on the FWC website and associates were emailed digital copies of the transcripts matter U2016/14484 dated 3rd March 2017.

The Appeals Book transcripts matter C2017/2237 dated 28th August 2017 also include the defamation and were prepared and emailed to associates by Woolworths legal representatives.

2 Particulars: - See details Appendix "A" attached

SIGNATURE

I acknowledge that court fees may be payable during these proceedings. These fees may include a hearing allocation fee.

Signature



Capacity

Plaintiff

Date of signature

26th February 2018

NOTICE TO DEFENDANT

If you do not file a defence within 28 days of being served with this statement of claim:

- You will be in default in these proceedings.
- 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 get further information about what you need to do to respond to the claim from:

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

You can respond in one of the following ways:

- 1 If you intend to dispute the claim or part of 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.

Court forms are available on the UCPR website at www.ucprforms.justice.nsw.gov.au or at any NSW court registry.

REGISTRY ADDRESS

Street address	Supreme Court of NSW, Law Courts Building, 184 Phillip Street, Sydney
Postal address	Supreme Court of NSW, GPO Box 3, Sydney NSW 2001, Australia
Telephone	1300 679 272

AFFIDAVIT VERIFYING

Name Stephen Fitzgerald
 Address Unit 2, 1 Avalon Parade
 Avalon Beach, NSW 2107
 Occupation Retired
 Date 26th February 2018

I Stephen Fitzgerald say on oath and affirm:

1 I am the plaintiff.

I believe that the allegations of fact in the statement of claim are true.

SWORN and AFFIRMED at SYDNEY

Signature of deponent



Name of witness

ROBYN ANN ELLIOTT

Address of witness

8/20 Garden Court, Avalon Parade, Avalon Beach NSW 2107

Capacity of witness

Justice of the Peace No 112053

And as a witness, I certify the following matters concerning the person who made this affidavit (the **deponent**):

- 1 #I saw the face of the deponent. [OR, delete whichever option is inapplicable]
 #I did not see the face of the deponent because the deponent was wearing a face covering, but I am satisfied that the deponent had a special justification for not removing the covering.*
- 2 #I have known the deponent for at least 12 months. [OR, delete whichever option is inapplicable]
 #I have confirmed the deponent's identity using the following identification document:

Drivers Licence, Medicare card, Pension card

No 3055PP
 Identification document relied on (may be original or certified copy) †

Signature of witness



26.2.18

Note: The deponent and witness must sign each page of the affidavit. See UCPR 35.7B.

[* The only "special justification" for not removing a face covering is a legitimate medical reason (at April 2012).]

[† "Identification documents" include current driver licence, proof of age card, Medicare card, credit card, Centrelink pension card, Veterans Affairs entitlement card, student identity card, citizenship certificate, birth certificate, passport or see Oaths Regulation 2011.]

PARTY DETAILS**PARTIES TO THE PROCEEDINGS****Plaintiff**

Stephen Fitzgerald

DefendantWoolworths Ltd (t/a Woolworths
Supermarkets)**FURTHER DETAILS ABOUT PLAINTIFF**

Name Stephen Fitzgerald
Address Unit 2,
1 Avalon Parade,
Avalon Beach, NSW, 2107
Telephone 02 99732831
Email info@hootgallery.com

DETAILS ABOUT DEFENDANT

Name: Woolworths Ltd (t/a Woolworths Supermarkets)
Contact: Nicole Barclay, Employment Relations Specialist,
Address: 1 Woolworths Way,
Bella Vista NSW 2153,
Phone: 0427 492 626
Email: nbarclay@woolworths.com.au