

THE SUPREME COURT
OF NEW SOUTH WALES
COMMON LAW DIVISION

5 JOHNSON J

MONDAY 14 MAY 2007

10 **11031/07 - JOHN PETER BSAUKSIS v MICHAEL FREDERICK
ADAMS**Plaintiff/Respondent in person
Mr CL Lonergan for the Defendant/Applicant

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HIS HONOUR: The defendant is the applicant on the motion.

20 LONERGAN: That's so. That's the motion that was filed on
23 April last.25 PLAINTIFF: I have a motion before the court, notice of
motion on the 20th of the third, so my motion precedes
what my friend said.

HIS HONOUR: Are you Mr Bsauksis?

PLAINTIFF: Yes.

30 HIS HONOUR: You appear for yourself

PLAINTIFF: Yes. I am here to ascertain when the date
will be set for trial by Jury.35 HIS HONOUR: Mr Bsauksis, I have a note indicating that
what has been referred to me for hearing is a notice of
motion to have the summons struck out. I take it that
what has been referred to me is the defendant's notice of
40 motion filed on 23 April 2007. Is that correct, Mr
Lonergan?45 LONERGAN: It is, your Honour. It is the motion that was
filed on that date, it seeks to strike out the plaintiff's
summons that was filed in this court on 27 February 2007.
And we seek to strike it out because we say and hope to
make the submission to satisfy your Honour, that the
summons discloses no cause of action and alternatively,
that the claims made in the summons cannot, in law,
50 succeed. And with that there is an affidavit in support
of the motion, that's the affidavit of Warren Mark Abadee
sworn 23 April 2007. And we are relying upon Part 13 rule
4 of the Uniform Civil Procedure rules.55 HIS HONOUR: You seek to read the affidavit of Mr Abadee
of 23 April 2007?

LONERGAN: I do, with the annexures thereto.

HIS HONOUR: The annexures, you have those?

5 LONERGAN: There was filed with the affidavit I trust and
hope a folder that has annexures A1 through to A8
inclusive. They were only put on with the affidavit
because what had been filed to date by, and will be on
behalf of the plaintiff in his general case management
documentation, seems to have been filed on 27 February
10 2007, were copies of the transcripts of proceedings before
his Honour Adams J that took place last year during July
and August. But, with respect, when we went through
those, we found that there were pages missing and so what
we did was to, when filing the notice of motion which is
before you today together with the affidavit of Warren
15 Mark Abadee, was to put on a complete set of the
transcript of the proceedings so that--

20 Can I say it this way: That whilst the plaintiff was
attempting, with respect, to do his best to put the full
transcript before you, we found there were some gaps,
clearly unintentional. We thought we would put a complete
set of the transcript before you. Does your Honour have
those?

25 HIS HONOUR: No.

LONERGAN: I hand your Honour a copy of those. A copy of
that complete transcript was given to the plaintiff,
Mr Bsauksis.

30 That is the evidence we rely upon for the purposes of our
motion.

35 HIS HONOUR: Before you go forward, Mr Bsauksis, do you
have objection to any of the material referred to in the
affidavit of Mr Abadee or in the folder of documents which
accompanies it?

40 PLAINTIFF: I have objections completely - to everything.

HIS HONOUR: What is your objection?

45 PLAINTIFF: You people are not following the rule of law.
I will reed something out for you.

HIS HONOUR: No, Mr Bsauksis could you tell me, do you
have evidentiary objection?

50 PLAINTIFF: I have, all the time. Let me tell you what my
objections are, before you keep pushing me down all the
time. The Supreme Court Procedures Act 49 1900 says,
under section 31:

55 "In any action by consent of both parties of
whole or any one or more of the issues of fact
in question may be tried on the amount of any
damages or compensation may be assessed by a
judge without the Jury."

Now, the next one, Common Law Procedure Act number 21,
1899, relevant to the conduct of the proceedings in this
or any matter before the Supreme Court of New South Wales,
5 section 256, "Upon the hearing of any motion or summons" -
any motion -

"The court or judge may, upon such terms as the
court or judge thinks reasonable, order any
10 documents to be produced, any witnesses to
appear and be examined viva voce either before
the court or judge or the commission of
affidavits and upon hearing such evidence or
reading deposition may make such rules and
15 orders as may be just."

Now, I do not give my consent--

20 HIS HONOUR: I understand the objection.

PLAINTIFF: Why don't you agree with it?

HIS HONOUR: I note the objection. The affidavit of
Mr Abadee may be taken as read.

25

PLAINTIFF: I have one before him.

HIS HONOUR: The documents referred to in the affidavit
will be received on the application. That's the evidence
30 for the applicant?

LONERGAN: That's the evidence of the defendant as the
mover of the motion it seeks to rely upon.

35 HIS HONOUR: What evidence do you have you wish to put on,
Mr Bsauksis?

PLAINTIFF: My evidence is, you can't make any motions or
submissions of any description. I have asked for a trial
40 by Jury which is my right. Are you denying me my trial to
a Jury?

HIS HONOUR: I am asking you if there is any affidavit you
seek to put in this application.

45

PLAINTIFF: There is no affidavit. I am asking you a
question. You are denying me a trial by Jury?

HIS HONOUR: I am hearing the notice of motion which is
before the court. From what you have said, are you
50 indicating you don't wish to read an affidavit?

PLAINTIFF: I am asking you a question.

55 HIS HONOUR: I am asking you a question.

PLAINTIFF: I am asking you for a trial by Jury. Are you
denying that trial by Jury?

HIS HONOUR: Mr Bsauksis, do you wish me to have regard, on this application, to affidavits filed on 27 February 2007?

5

PLAINTIFF: You can't do anything. I have been intimidated enough.

10

HIS HONOUR: I will have regard to your affidavits, if you so wish. They are on the materials before me.

PLAINTIFF: You have not any right at all.

15

HIS HONOUR: I will treat it as being the evidence in the proceedings.

PLAINTIFF: You have no right.

20

HIS HONOUR: If the affidavits of Mr Bsauksis are relied upon, do you have any objection Mr Lonergan--

PLAINTIFF: I have not given you permission for any affidavits.

25

HIS HONOUR: Mr Lonergan, if the affidavits are relied upon, I note Mr Bsauksis does not, in fact, seek to read them but given the nature of the application, if they are to be taken into account, do you have objection to them being received, noting that some of them appear to be in the form of submissions?

30

LONERGAN: On that basis, your Honour, I don't. With respect, I note what you are saying. We won't object.

35

HIS HONOUR: I note the primary position is, Mr Bsauksis does not seek to read the affidavits on the application.

LONERGAN: It is on that basis I have answered your Honour's question.

40

PLAINTIFF: You have not answered my question still.

HIS HONOUR: Mr Lonergan, you have put on written submissions?

45

LONERGAN: I have, your Honour.

HIS HONOUR: And Mr Bsauksis has put on written submissions as well?

50

PLAINTIFF: No, I have not. The Jury will hear what I have to say, not you or - the court is a Jury not a judge, right? That's part of our constitution.

55

HIS HONOUR: I note there have been filed in court the written submissions on behalf of the defendant/applicant dated 26 April 2007 and the written submissions of the plaintiff/respondent dated 2 May 2007 and I have had an

opportunity to look at the submissions.

PLAINTIFF: You should read that submission, please.

5 HIS HONOUR: I have, Mr Bsauksis. What would you like to say, Mr Lonergan?

10 LONERGAN: In speaking to those submissions, I make these observations: The summons filed and the document seeking to strike out was filed 20 February 2007. In it it contains two prayers for relief. One, there be relief by a Jury adjudging that the defendant is guilty of denying the plaintiff his right to trial by Jury, an offence under section 43, it is alleged, of the New South Wales Imperial Acts application, Act 59. The second prayer for relief is relief by a Jury to sentence his Honour to imprisonment for five years. Contained in the summons there is, as it were, a statement of the charge and in brief terms it refers to events that are said to have taken place on 15 February 4, 2006. It names his Honour, acting as a Judge of the Supreme Court of New South Wales, did deny the plaintiff what is described as "the plaintiff's right to a trial by Jury".

25 Your Honour, if you would bear with me, by way of background to that and what I am about to say is contained in and gleaned from the transcripts of evidence that I have referred to earlier, what occurred, and this is first of all in transcript under tab A1, was that on 24 July 30 2006 a Mr John Wilson and a Mr Eric Jury appeared before his Honour in civil proceedings. Before his Honour that day were some proceedings but ultimately what was sought to be argued that day by Mr Wilson and Mr Jury was a summons seeking a trial by Jury for seeking certain relief. During the course of events on that day, 24 July 35 2006, what occurred was that his Honour indicated that he would not proceed in the circumstances that were then occurring in his courtroom when he asked certain persons who were wearing T-shirts that indicated certain words on them, that he would not proceed until those persons left 40 the court.

45 Ultimately, your Honour, what occurred was, when giving directions to Sheriff's Officers on that day his Honour left the Bench. What then occurred was that, as a consequence of certain altercations, Sheriff's Officers arrested two persons, one of which was Mr Bsauksis. Ultimately, what occurred was that both Mr Bsauksis and the other gentleman, I believe a Mr Rutherford, were 50 charged with contempt. The trial for contempt in the face of the court took place on 4 August. Now, that's the date that is referred to in the Statement of Charge that accompanied the summons.

55 The trial of the plaintiff for contempt in the face of the court took place on 4 August 2006 before his Honour, the defendant. In the statement of charge there is certain dialogue that is attributed to his Honour and also to

Mr Bsauksis, the plaintiff. That dialogue, if your Honour would briefly note, is contained in the transcript which occurs at 4A of the transcript folder. And the particular words - your Honour should have that - 4 August. And the particular words that are reproduced in the statement of charge in the summons are actually found at transcript page 2 at line 22 and that's where Mr Bsauksis is asking his Honour for a trial by Jury. The full text and content in which those words are spoken occur at that point, your Honour.

Now, in short, what then took place was a trial whereby the Crown advocate, as he then was, Mr Cogswell SC, proceeded from the 4th August through to 24th August. The full transcript of the evidence and the submissions is contained in the subsequent transcript page folders, your Honour, but for present purposes I won't take you to those because what ultimately happened was that - I hand an authorities folder up, I have given a copy of this to Mr Bsauksis this morning. It contains the authorities I refer to in my written submissions. For present purposes, I take your Honour to Tab 12.

Your Honour should have the decision of his Honour the defendant in the proceedings before your Honour, the decision in the matter of Bsauksis 2006 NSWSC 908. There his Honour found proved beyond reasonable doubt that Mr Bsauksis, this plaintiff, was guilty of contempt of court. And what then occurred was that that finding of guilty, having been proved beyond reasonable doubt, ultimately on 5 September 2006 Mr Bsauksis, the plaintiff, was sentenced to, I believe it was to 14 days incarceration. What happened after that is that the proceedings that were commenced by summons next occurred.

HIS HONOUR: Was there any appeal lodged against the conviction or the sentence imposed for the contempt?

PLAINTIFF: That was refused.

LONERGAN: I am instructed there were no appeals.

PLAINTIFF: There was an appeal. The Registrar would not accept the papers on the orders of Adams J.

LONERGAN: We then come next to the 27th February this year when the summons was filed. That is a thumbnail sketch of what I will describe as the background to this matter.

CHRONOLOGY HANDED UP

I won't proceed to repeat the written submissions but I merely want to speak to them, if I may, if that be convenient. In short, his Honour the defendant says that the summons seeking relief, such as it does, discloses no cause of action or alternatively, that the relief sought to be claimed cannot, in law, succeed.

The position is this: That in two respects we say by reason of there being no basis whatsoever to demand a trial by Jury for contempt is in no way promulgated, allowed for or indeed permitted and ultimately we say that that claim for relief is simply not a cause of action. It doesn't exist--

PLAINTIFF: It is against the constitution.

HIS HONOUR: Mr Lonergan, carry on. I will not allow you to be talked over. In due course Mr Bsauksis can make such submissions as he wishes. Carry on.

LONERGAN: The second way we put our case is that we say that because of all that his Honour did was in his actions as a Judge, judicial immunity applies. In all the circumstances, we have to make a few points of emphasis here. The first thing we say is that the proceedings, as presently framed in the summons, are said to be proceedings to prosecute his Honour for an unspecified criminal offence. In that respect, the plaintiff nominates section 43 of the Imperial Acts Application Act. However, as presently framed, those proceedings are, in fact, merely to prosecute his Honour for an unspecified offence. What section 43 does is that it merely specifies the maximum penalty for offences under the relevant Imperial Acts. That's all section 43 does, nothing more and nothing less. It doesn't do what the plaintiff is alleging it does.

But if we take them at face value, the summons is pleading, as it were, a criminal sanction against his Honour notwithstanding the error with respect to the letters nominating section 43 of the Act that I mentioned. So, in those circumstances, we say that prayer for relief evaporates.

I then move on to the second point, that is, judicial immunity.

PLAINTIFF: No such thing.

LONERGAN: There can be no doubt that what he did, in terms of the way he first of all charged the plaintiff back on 24 July 2006 and proceeded with the trial from 4 August 2006, ending with the judgment that I took your Honour to of 25 August 2006, was in every respect acts done in accordance with his office as a justice of this court. The authorities that I have referred to, in my respectful submission, make plain that those actions of his Honour must be regarded as being done in the course of his duties as a judge and therefore attract the total immunity provisions and in those circumstances there can't be any prospect whatsoever of there being any success to the relief as it is framed.

At that point, can I make this submission: That it is

not, with respect, for the plaintiff to now attempt to make good the prayers for relief. This application is to be fought, with respect, on what is present before the court and that's the way in which it has been framed. And
5 we say, for all the reasons mentioned in the written submissions filed, that the actions complained of have no prospect whatsoever of success. In this respect what we say is that decisions of this court in previous or
10 alternatively the similar applications in the authorities that I have referred to in *Radjski v Wood* and *Radjski v Yeldham* make clear that in circumstances where you have, as here, complaints regarding the actions of a judicial officer by disappointed litigants, that the concept of judicial immunity is always invoked and permitted,
15 recently accepted by the High Court in *Fingleton*, a case I have also referred to in the written submissions.

So what we say is, firstly, there is no right - indeed, it is not anticipated or indeed permitted for there to be a
20 trial by Jury for contempt proceedings. That so much is clear from the decision of Hidden J in the case of the *Prothonotary v Wilson*, a copy of which you will find at Tab 11 of the authorities folder. That decision dealt with an application by Mr John Wilson who, I observe, is
25 the signatory to the empanelment document for a grand Jury that is annexed to this summons. In that matter before his Honour Hidden J the application for a trial by Jury for contempt proceedings was refused. The relevant paragraph I have referred to in my submissions falls at
30 the bottom of the first page of the copy of the judgment that I have sighted there on the first page, commencing with the words, "the application before me must also be dismissed". And in that respect I make plain, lest there be the slightest doubt about it, when that decision went
35 on on an application for leave to appeal, and here I am referring to paragraph 18 and following of my written submissions, there was an application by Mr Wilson for leave to appeal the decision of Hidden J but that was refused by the Court of Appeal on 24 August 1998.

40 The citation from Handley J appears at the top of page 17 of my written submissions and he makes plain, from the second line downward, his Honour says, "however a consistent course of decision of this court establishes
45 that there is no right to trial by Jury in such cases". That is to say, for contempt.

Now that is what his Honour reminded was a long and consistent line of authority that made that crystal clear
50 to all. There was, however, an application for special leave to the High Court of Australia. That was refused on 14th April 1999 and a selection of her Honour Gaudron J's refusal for giving special leave is found at paragraph 20 of my written submissions.

LONERGAN: I was not able to get the full transcript of the High Court refusal for special leave. This suggestion that there is a fundamental right to trial by jury to contempt proceedings is wrong. In those circumstances
5 there cannot be any cause of action.

(Person yelled from back of court, "It is in the Constitution - you cannot change the Constitution when you feel like it".)
10

To the extent there is prayer for relief it cannot go anywhere.

HIS HONOUR: I am just going to raise with you from page 18104, there is reference to the decision of the Court of Appeal, similarly there is no jury trial in contempt proceedings and there is reference to decisions in Holloway. This appears to underline the consistent authority of the High Court of Australia.
15
20

LONERGAN: There is one further authority, the decision of the Registrar of the Court of Appeal in Willesee (1984) 2 NSWLR 378 - that also states the same. For those reasons we say that cannot go anywhere. At all times his Honour, the defendant acknowledged that to bring the proceedings to an end on summary disposal under part 13 rule 4 it is appreciated, accepted and understood it can only be done in plain and obvious cases but this is one. This is a summons and prayer for relief that is doomed to failure. It cannot go anywhere.
25
30

For these reasons and despite the rigorous test of disposing of a matter on a summary application, which is now before you on behalf of the defendant, this is such a plain and obvious case. For that purpose we rely upon and referred to the usual authorities such as Dey and General Steel.
35

There are two other matters I need to draw to your Honour's attention. On 18 April 2007 there was a notice of a constitutional matter under section 78B filed by or on behalf of the plaintiff dated 11 April 2007. I have received instructions that the Attorney General for the State of New South Wales does not wish to intervene. I cannot speak for any other of the parties nominated, Attorneys General for the other States and Territories nor the Attorney General for the Commonwealth.
40
45

I told your Honour there was no appeal and I correct that. Mr Abadee reminds me that there was a holding summons filed from his Honour's decision on 25 August but that holding summons lapsed.
50

PLAINTIFF: No it didn't, it got lapsed, the Registrar wouldn't let me put that through the court.
55

LONERGAN: In those circumstances we seek the orders sought in the notice of motion filed by the defendant be

BOC:VAT

granted. That is what we say with respect to the defendant's notice of motion to strike out the summons of the plaintiff.

5 Also transferred with the file was a notice of motion
filed on 12 March 2007 seeking that John Wilson be joined
as the second plaintiff. I understand Mr Wilson is not in
court. In Mr Wilson's absence, the defendant does not
10 seek to deal with that matter even though we have dealt
with it in written submissions. It depends on what
happens with this application but at the appropriate time
the defendant, for a variety of well worn reasons, say it
cannot be that Mr Wilson be added as a plaintiff to the
current proceedings. I do not propose to deal any further
15 with that at this stage.

HIS HONOUR: If you succeed in your claim for relief in
the notice of motion so that the summons is struck out,
20 then this motion to join Mr Wilson is not reached?

LONERGAN: Yes, it is otiose.

HIS HONOUR: If you fail in your claim to strike out the
summons then the notice of motion seeking to join
25 Mr Wilson may have some operation? If that point was
reached you indicate that in the absence of Mr Wilson you
do not wish to say anything further at this stage?

LONERGAN: Correct.

30 HIS HONOUR: Your principal argument is the claim for
relief as sought in the notice of motion filed on 23 April
2007?

35 LONERGAN: I am being given a truncated document but I
trust sufficient to what is in the transcript. His
Honour's reasons of 25 August document a proper chronology
of what took place, which is otherwise contained in the
transcripts. Unless there is something further that your
40 Honour requires those are the submissions on the notice of
motion.

HIS HONOUR: Yes Mr Bsauksis? I have had a chance to look
45 at your written submissions.

PLAINTIFF: First, this folder of our case doesn't say
anywhere anything was in front of a jury. All these laws,
rules and regulations are made by judges, which haven't
got legs to stand on. You are denying me trial by jury.
50 In trying to get this argument struck out - you have no
authority, you are acting against the Constitution.

(Person yelled from back of court, "The Federal
55 Constitution.")

That there, what you are talking about all this time is
null and void.

Justice Adams when he started his case, it ended up a kangaroo court because he ruled in his own court orders, then he done the next best thing - you can look through the transcripts - he committed every known crime that he could think of against our rights. Our rights cannot be taken from his. You cannot do it. Nobody can do it. A jury is the only one that can do anything at all. As it says - I will read through some of their submissions here--

10

HIS HONOUR: These are your submissions that you are referring to? You want to take me to some of your written submissions?

15

PLAINTIFF: I will do that.

HIS HONOUR: I was just wanting to see what you were reading to me. What paragraph do you want to take me to?

20

PLAINTIFF: I will put that on record - funny part of it, the law cannot succeed - what about our law and our Constitution? This business of: I am not entitled to trial by jury - Justice Adams is immuned - where does it say he is immune? All these cases - that is not the law, that is statutes, that is precedence, not one of those was in front of a jury. Where is the law?

25

(Person yelled from back of court.)

30

HIS HONOUR: I think it would help your arguments, Mr Bsauksis if only you spoke.

(Person yelled from back of court, "You are rough riding democracy.")

35

PLAINTIFF: You read this document. I will read some of it out--

40

HIS HONOUR: I have read your submissions.

45

PLAINTIFF: The notice of motion if successful would have the effect of placing judicial officers above the law; an intolerable situation, which is repugnant to the rule of law and in contempt of administration of justice, when everyone is equal. Now, you have broken that straight off - that is number 2 - you can mark that on the thing.

50

The defendant asserts that judges are above the law and have immunity - now that is a brilliant one, however, there is nothing in our Federal or State Constitution, which grants anyone immunity and nothing which grants a person power to grant immunity to a person. That is very important. You have not got the power. A court, which is the people, are the only ones that can make laws. You people here on the bench are not the law, so you cannot make any - what's the word - you cannot make up rules and regulations as you go along. All these other cases are neither here nor there.

55

(Person yelled from back of court, "You can't use internal procedures to override common law.")

5

None have been heard by a jury; they are all null and void. Number 8 (read). That is in our Constitution. It is also in the Magna Carter, Bill of Rights, the whole works (read). No 10 (read), " This charge is of a most serious kind ... is tantamount to treason." I asked you before: Are you denying me the right to trial by jury? If you are you will be indicted the same as Justice Adams. "Violations to the people of Australia ... he will immediately restore them to him." This action of mine against Michael Frederick Adams is for that exact purpose.

15

How can you talk about immunity? Above the law? You people have got to abide by the law. You're supposed be on the bench, to do right. That is basic, what you're supposed to be doing, that you're not doing. It is treasonist what you're doing. "Sovereignty is exercised by way of trial by jury." I am a sovereign person, a human being in God. I have jurisdiction over you. You are the next step below me. If without my consent not to have the jury you cannot proceed summarily, you cannot make a judgment in your own cause.

20

25

The denial of the right to trial by jury is an act of treason and treachery - you still haven't answered my question whether you're denying my trial by jury?

30

(Person yelled from back of court, "He knows it.")

35

I know he knows it.

HIS HONOUR: Carry on with your submissions, Mr Bsauksis.

40

PLAINTIFF: "The various Supreme Court rules ... application of those rules." Now, the jury is the only ones with anything to judge. You people are not going to do it. This is a farce. This whole point, you are just avoiding the subject. We want a trial by jury. I have a right to trial by jury. I expect to get one. I'm not opposing the process of the court by seeking to remedy a wrong. He who uses his legal right harms no one. That is a legal maxim.

45

"There is no summary judgment ... obtained from both parties." That is, the court has no jurisdiction to proceed summarily, in summary judgment to strike out proceedings without consent is void. The person making that decision ought to be punished as prescribed by law. That is you sir. If you think you can make all these judgments, we will see what happens.

55

As to the statement of "a judicial officer is acting

within jurisdiction", which my friend mentioned, "Unless both parties consent to a jury ... by an improper judge is of no moment." A legal maxim. What do these words amount to? What the Australian judiciary is doing is
5 indefensible. All the words in the world will not excuse the denial of the right to trial by jury. Rights do not die - another maxim.

10 Going back to our - my friend mentioned about in the transcript, about Justice Adams ruling in his own court. Even Mr Norris - he is one of them - I notice in the transcript of 25 July, I haven't got no numbers here, it is about 15, 16 paragraphs on my sheet, (page 3) "his Honour, 'Very well Mr Norris ... appropriate to deal with
15 the matter yourself.'" His Honour took it upon himself to judge in his own cause. That is against the law. Particular law recognises that. He condemned himself in his own court.

20 From then onwards this became a kangaroo court because whatever he said he made up his mind to do beforehand. How can that be a fair and just court? I got sent away for 14 days for wearing a T-shirt with the caption, "trial
25 by jury is democracy." He didn't give me any trial by jury. You people are trying the same thing.

Now, we got a grand jury to indict Justice Adams. Now, you are now saying that you are above the law; you can rule; you can overrule the people - a grand jury? They
30 all concurred that we have a trial by jury. Here we are - gentleman here says, "we throw it out". Where are you standing on this thing? Are you going to grant me a trial by jury or are you going to go with your friend here and try and throw it out? Then we will have you charged to.
35 Please answer my question?

HIS HONOUR: I am hearing your submissions. Please carry on?

40 PLAINTIFF: You don't want to answer that question do you?

(Person yelled from back of court, "Silence is recognition of--")

45 HIS HONOUR: Please carry on. If there are further submissions that you want to make, now is the time.

PLAINTIFF: That is all I have got to say for this moment. I reiterate that I think a trial by jury - you cannot do
50 it summarily without my consent, then you are breaking the law.

(Person yelled from back of court, "That will be two judges up for indictment.")

55 Yes, then we will keep going.

HIS HONOUR: That is all you wish to say, Mr Bsauksis?

BOC:VAT

PLAINTIFF: At this stage, yes.

5 HIS HONOUR: That is all you wish to say in relation to
the notice of motion that has been filed?

10 PLAINTIFF: You have no jurisdiction to rule on any
motion, let the jury decide what notice of motion you can
try and do. You cannot do it.

HIS HONOUR: Mr Lonergan, anything in reply?

LONERGAN: Nothing.

15 JUDGMENT RESERVED TO 3.45 PM

FOR JUDGMENT SEE SEPARATE TRANSCRIPT

oOo

20