

**IN THE FEDERAL COURT OF AUSTRALIA (FCA)
NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA
FAIR WORK DIVISION** **No: NSD580/2012**

NOTICE OF FILING AND HEARING

This application was filed electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 13/06/2012.

DETAILS OF FILING

Document Lodged: Interlocutory Application - Form 35 - Rule 17.01(1)(a)
File Number: NSD580/2012
File Title: James Hunter Ashby v Commonwealth of Australia & Anor
District Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing: Directions and Interlocutory Hearing
Time and date for hearing: 15/06/2012, 9:30 AM
Place: Court Room 18C, Level 17 Law Courts Building Queen's Square, Sydney



A handwritten signature in blue ink that reads 'Warwick Soden'.

Dated: 14/06/2012

Registrar

NOTES

1. This Notice forms part of the application and contains information that might otherwise appear elsewhere in the application. The Notice must be included in the application served on each party to the proceeding.
2. The 'reason for listing' is descriptive and does not limit the issues that might be dealt with, or orders that might be made, at the hearing.

FOR DIRECTIONS ONLY



Form 35
Rule 17.01(1)

INTERLOCUTORY APPLICATION

**FEDERAL COURT OF AUSTRALIA
DISTRICT REGISTRY: NEW SOUTH WALES
DIVISION: FAIR WORK**

NO NSD 580 OF 2012

JAMES HUNTER ASHBY

Applicant

THE COMMONWEALTH OF AUSTRALIA

and another named in the Schedule
Respondents

To:

James Hunter Ashby, the Applicant
Peter Slipper, the Second Respondent

The First Respondent applies for the interlocutory orders set out in this application.

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the Court may make orders in your absence.

TIME AND DATE FOR HEARING:

PLACE:

Law Courts Building, Queens Square, Sydney NSW
2000

Date:

.....
Signed by an officer acting with
the authority of the District Registrar

Filed on behalf of the First Respondent, The Commonwealth
of Australia

File ref: 12026851

Prepared by: Sarah Wright

Australian Government Solicitor.

Address for Service:
Australian Government Solicitor,
50 Blackall Street, Barton, ACT 2600
sarah.wright@ags.gov.au

Telephone: 02 6253 7630
Lawyer's Email: sarah.wright@ags.gov.au
Facsimile: 02 6253 7381
DX5678 Canberra



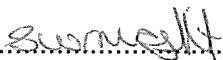
INTERLOCUTORY ORDERS SOUGHT

1. Pursuant to r 26.01 of the Federal Court Rules, that judgment be given against the Applicant because the proceeding against the First Respondent is:
 - 1.1. an abuse of the process of the Court; and
 - 1.2. a vexatious proceeding.
2. In the alternative to order 1, an order that the proceeding as against the First Respondent be permanently stayed as an abuse of the process of the Court.
3. The Applicant pay the First Respondent's costs of the proceeding, including reserved costs.

SERVICE ON THE APPLICANT AND SECOND RESPONDENT

It is intended to serve this application on the Applicant and Second Respondent.

Date: 13 June 2012


.....
Sarah Wright
A lawyer employed by
Australian Government Solicitor
Lawyer for the First Respondent



Schedule

FEDERAL COURT OF AUSTRALIA
DISTRICT REGISTRY: NEW SOUTH WALES
DIVISION: FAIR WORK

NO NSD 580 OF 2012

Respondents

Second Respondent

Peter Slipper

Date: 13 June 2012