Form 126

Rule 36.73(1)

Notice of discontinuance of [\*appeal / \*cross-appeal]

No.       of 20

Federal Court of Australia

District Registry: [State]

Division: [Division]

On appeal from the [\*either]Federal Court [\*or specify other court]

**[Name of First Appellant]** [if 2 or more add "and another" or "and others"]

Appellant[s]

**[Name of First Respondent]** [if 2 or more add "and another" or "and others"]

Respondent[s]

**[Name of First Cross-appellant]** [if 2 or more add "and another" or "and others"]

Cross-appellant[s]

**[Name of First Cross-respondent]** [if 2 or more add "and another" or "and others"]

Cross-respondent[s]

[Name], the [\*role of party eg Appellant / \*Cross-appellant] discontinues [\*either]the whole of the [\*appeal / \*cross-appeal] [\*or if part of the appeal/cross-appeal, specify part with reference to claim numbers in the relevant appeal/cross-appeal].

[Select one of these 3 options and delete others]
[\*]Each party consents to the discontinuance.

[\*or]The discontinuance is by consent on the following terms:

1. [specify in numbered paragraphs the terms of the consent].

[\*or] The Court on [date] granted leave to the discontinuance.

Date: [eg 19 June 20..]

|  |
| --- |
| Signed by [Name][Insert capacity eg Appellant / Lawyer for the Appellant] |

[If the discontinuance is by consent, each party or the party’s lawyer must sign the notice of discontinuance]

[\*]Date: [eg 19 June 20..]

|  |
| --- |
| [\*]Signed by [Name][Insert capacity eg consenting Respondent / Lawyer for the consenting Respondent] |

[\* Delete if inapplicable]

*Note in relation to costs*

Under rule 36.73(4), an appellant who files a notice under rule 36.73(1) must, unless the parties otherwise agree, pay the costs of each respondent.