

IN THE SUPREME COURT OF VICTORIA AT MELBOURNE
IN THE COURT OF APPEAL
CIVIL DIVISION

No 6321 of 2005

BETWEEN:

GLENN ALEXANDER THOMPSON & CHERYL MAREE THOMPSON Appellants

and

MACEDON RANGES SHIRE COUNCIL & COLIBAN REGION WATER AUTHORITY **Respondents**

ORDER OF THE COURT OF APPEAL

MASTER: Master Lansdowne

DATE MADE: 3 December 2007

ORIGINATING PROCESS: Notice of appeal

HOW OBTAINED: Directions hearing

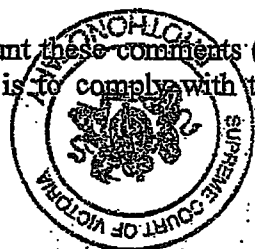
ATTENDANCE: Mr Thompson in person and on behalf of the second appellant
Mr G.J. Ahern of Counsel for the First Respondent
Ms S.A. Burchell of Counsel for the Second Respondent

OTHER MATTERS:

1. The Court is not persuaded that the parties will be able to reach agreement on a summary of facts and it is the Master's intention to dispense with that requirement at the appropriate time.
2. The parties all agree and the Court accepts that this is not a suitable matter for mediation.

IT IS ORDERED THAT:

1. The application made by the appellants that the Master directs the respondents to prepare a draft summary prior to the preparation of the appeal book is declined.
2. The directions hearing is adjourned to 9:30am on 14 February 2008.
3. The appellants provide to the respondents written comment on the index to the appeal book as prepared by the respondents within 7 days.
4. The respondents file and serve a revised index taking into account these comments (to the extent they are agreed) by 19 December 2007. The note is to comply with the following requirements:



- 4.1. omit current items A8 and C12;
 - 4.2. be organised in chronological sequence so as to place documents relating to proceedings before Master Bfthim before documents relating to proceedings before Justice Osborn;
 - 4.3. the note may include written submissions and transcript of oral argument;
 - 4.4. exhibits to affidavits may appear under a separate tab to the affidavits, but the exhibits and the affidavits are to be cross referenced to each other; and
 - 4.5. the note may not include any material not in evidence before Master Bfthim or Justice Osborn.
5. The costs of today are costs in the appeal.
 6. The parties have liberty to apply to the Registrar for further directions.

DATE AUTHENTICATED 5 December 2007

Rjs 5/12/07

