

**MAGISTRATES COURT of WESTERN AUSTRALIA  
(CIVIL JURISDICTION)  
STATEMENT OF INTENDED EVIDENCE OF A WITNESS  
FORM 32A**

Registry: 3 Stephen street Bunbury, WA, 6230

Case number:  
**BUN/GCLM/316/2015**

Claimant **Andrew Laughton**

Defendant **Sharyl Marsh and James Glynn Marsh**

*Note: This form for use by witnesses other than an expert witness*

I Andrew Laughton of 11b Keble Heights, College Grove, Bunbury, in the State of Western Australia, Electrician (*occupation*), Say as follows:

1. This Statement has been ordered as part of a general order issued after the court date on 02 March 2016.
2. The court ordered that I lodge and serve a statement stating the nature and substance of the expert evidence to be given by the expert witness. Neither myself nor a member of the courts staff were unable to find the appropriate form, so I am using this form as the closest available, and copy what had already been submitted on form 32 on 22/2/2016
3. The name, address, occupation and qualifications of expert witness Stephen Woodhouse who may be called to give oral evidence at the trial:
  - 3.1. Stephen Woodhouse; First Floor 62 Wittenoom Street Bunbury, WA, 6230; CEO and Director of WML Consultants, a company with 30 staff providing Civil, Structural and Geotechnical Engineering Services. Bachelor of Engineering in Civil Engineering.
  - 3.2. Stephen Woodhouse is the author of the engineering report submitted as evidence on 22/2/2016. I may call upon Steven for clarification if any part of this report is not clear.
  - 3.3. Stephen Woodhouse may also be called to express an opinion on any item that may need to be determined below.
4. My Claimants form 32, "Listing conference memorandum" lists six items that may need to be determined. I may call upon any witnesses for their opinion on these items, namely:
  - 4.1. That 700mm of sand was allowed to build up and remain against the boundary fence.
  - 4.2. That the super six boundary fence was never designed or intended to retain any soil or sand.
  - 4.3. That the boundary fence failed as a direct result of the Marsh's negligence.
  - 4.4. That 700mm of overburden was placed on the boundary retaining wall.
  - 4.5. That the 700mm of overburden, and / or the bobcat used in the construction of the Marshes new retaining walls damaged the boundary retaining wall.
  - 4.6. That the Marshes are liable for all of the costs caused by their actions or negligence.
5. The Defences form 32, "Listing conference memorandum" lists four items that may need to be determined. I may call upon any witnesses for their opinion on any or all of these points, namely:
  - 5.1. Did the Claimant's predecessor undermine the Defendants property or did the Defendants surcharge the Claimants property.?
  - 5.2. Was the Claimants wall defective.?



5.3. What is the cause of the loss and damage ?

5.4. What was the natural ground contour?

6. The name, address, occupation and qualifications of witness Andrew Laughton who may be called on to give oral evidence at the trial;

6.1. Andrew Laughton, 11b Keble Heights, College Grove, Bunbury, 6230. Electrician. Qualified in that I am the Claimant, and have an in depth knowledge of what happened and when. Author of the timeline submitted as evidence on 22/2/2016.

6.2. While every effort has been made to make my case clear in the forms and affidavits that I have submitted, I am applying to act as a witness in case there is any point that needs clarification or has not been made clear.

6.3. Andrew Laughton may be asked to give evidence on any item that needs to be determined above.

Date: 30 March 2016

Signed: \_\_\_\_\_



Tick [✓] appropriate box

Lodged by	<input checked="" type="checkbox"/> Claimant or claimant's lawyer			
	<input type="checkbox"/> Defendant or defendant's lawyer			
	<input type="checkbox"/> Other			
Address for service	11 b Keble Heights, Bunbury. 6230.			
Contact details	Telephone: 0409 931 559	Lawyer's ref:	Fax:	E mail: laughton.andrew@gmail.com

