APPENDIX ONE

TIME SPENT

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | Date | Details | **Hours** | **Mins** | **Scale item** |
|  | 3/6/15 | Telephone attendance on Sharyl |  | 5 | 13[[1]](#footnote-1) |
|  | 5/6/15 | Confer with Jamie and Sharyl, reading and considering documents | 1 | 45 | 13 |
|  | 17/6/15 | Prepare for pretrial conference | 1 | 20 | 16 |
|  | 18/6/15 | Prepare for pre-trial conference, confer at Court, negotiate with Claimant, appear at pre-trial conference | 3 |  | 16 |
|  | 19/6/1521/6/15 | Dictate file note and statement of factsTelephone attendance on Sharyl, email Laughton |  | 4010 | 1313 |
|  | 24/7/15 | Emails |  | 5 | 13 |
|  | 29/7/15 | Prepare for meeting and Pre Trial, confer, meet and site | 1 | 20 | 16 |
|  | 30/7/15 | Confer with clients before Pre Trial Conference | 1 |  | 16 |
|  | 14/8/15 | Email Sharyl and look at letter from City of Bunbury |  | 10 | 13 |
|  | 9/9/15 | Email client |  | 3 | 13 |
|  | 16/9/15 | Responding to Sheryl’s emails |  | 6 |  |
|  | ~~10/10/15~~ | ~~Going through file and court papers [[2]](#footnote-2)~~ |  | ~~15~~ |  |
|  | ~~11/10/15~~ | ~~Dictating application and affidavit~~ | ~~1~~ |  |  |
|  | ~~28/10/15~~ | ~~Considering Sharyl’s email re support, dictating chronology~~ | ~~2~~ | ~~21~~ |  |
|  | 1/11/15 | Working on Defence |  | 41 | 4(b) |
|  | 2/11/15 | Working on Defence | 2 | 10 | 4(b) |
|  | 6/11/15 | Dictating list of documents (60m) |  | 40 | 6 |
|  | 6/11/15 | Email to Marsh’s re chronology, counterclaim, discovery, defence,  |  | 20 | 13 |
|  | 6/11/15 | ~~dictate affidavit~~ |  |  |  |
|  | 11/11/15 | Finalising affidavit and list of documents; email to Sharyl | 1 |  | 6 |
|  | ~~12/11/15~~ | ~~Working on Sharyl’s affidavit setting out evidence~~ |  | ~~50~~ |  |
|  | ~~13/11/15~~ | ~~Working on Affidavit~~ |  | ~~47~~ |  |
|  | 16/11/15 | Conferring with Sharyl and James | 1 |  | 13 |
|  | 16/11/15 | Amending list of documents |  | 30 | 6 |
|  | ~~17/11/15~~ | ~~Working on affidavit, collating annexures, obtaining and perusing strata plan~~ | ~~1~~ |  |  |
|  | ~~25/11/15~~ | ~~Working on and finalising affidavit including going through and selecting documents and collating annexures~~ | ~~5~~ |  |  |
|  | ~~26/11/15~~ | ~~Making changes to affidavit per email instructions from Sharyl~~ | ~~1~~ | ~~20~~ |  |
|  | ~~3/12/15~~ | ~~Considering law and dictating submissions, prepare amended application and arrange filing, prepare consent minute, email Claimant and Court~~ | ~~3~~ | ~~30~~ |  |
|  | ~~7/12/15~~ | ~~Working on Submissions~~ | ~~2~~ |  |  |
|  | ~~8/12/15~~ | ~~Telephone attendance on Sharyl re unavailability ( Jame’s sister) , read and note Claimants’ affidavit(10), finalise IM’s affidavit~~ |  | ~~30~~ |  |
|  | ~~9/12/15~~ | ~~8:45am -11:15am prepare for application to set aside judgment, appear in Bunbury Magistrates Court, report client, view documents.~~ | ~~2~~ | ~~20~~ |  |
|  | ~~11/01/16~~ | ~~Email Sharyl re meeting before hearing on Friday~~ |  | ~~1~~ |  |
|  | ~~14/01/16~~ | ~~Confer with Sharyl, going through Laughton recent affidavit, preparing for hearing tomorrow~~ | ~~2~~ | ~~20~~ |  |
|  | ~~15/01/16~~ | ~~Prepare for hearing, appear at hearing, amend affidavit and list of documents, redraft Defence~~ | ~~2~~ |  |  |
|  | 18/01/16 | Emails to Mr Laughton re retaining wall between 12 and 14 Trinity Rise, email clients, email Mr Laughton email authority to City of Bunbury re building permit retaining wall 12 and 14 Trinity Rise |  | 10 | 13 |
|  | 20/01/16 | Email A Laughton |  | 2 | 13 |
|  | 25/1/16 | Email to clients re list of court orders |  | 10 | 13 |
|  | 25/1/16 | Organising documents for inspection by Mr Laughton, meeting with Mr Laughton re discovery, letter to him, supervising and attending to Mr Laughton’s requests during his inspection.Answer | *2* | 50 | 6 |
|  | 16/2/16 | Prepare Witness statement and listing certificate |  | 31 | 13 |
|  | 17/2/16 | Arranging filing and service of listing certificate and statement |  | 4 | 13 |
|  | 22/2/16 | Attending Andrew Laughton re service of documents, email Sharyl |  | 6 | 13 |
|  | 1/3/16 | Telephone attendance on James, consider correspondence from Mr Laughton |  | 15 | 13 |
|  | 2/3/16 | Prepare for listing conference, confer with clients, appear in Bunbury Magistrates Court |  | 50 | 16 |
|  | 19/07/16 | Prepare request for witness summons, drafting witness summons to City of Bunbury and Water Corporation, arrange filing | 1 |  | 13 |
|  | 1/08/16 | Trial preparation | 2 |  | 13 |
|  | 2/08/16 | Preparation including preparing papers for witness summons against Structerre | 1 | 20 | 13  |
|  | 3/08/16 | Email to Andrew Laughton |  | 1 | 13 |
|  | 8/08/16 | Conferring with Sharyl, going through Woodward’s report, going through Laughton’s new papers | 1 | 12 | 13 |
|  | 9/08/16 | Preparing for trial, including objections to from 32 A of the claimant | 4 |  | 13 |
|  | 10/08/16 | Trial Preparation including preparing outline of submissions for trial | 3 |  | 13 |
|  | 11/08/16 | Email to Mr Laughton regarding his recent affidavits, 11.52-1.10 Trial preparation, 1.47-5.31 trial preparation including preparing objections to expert report, letter regarding discovery  | 4 | 48 | 13 |
|  | 12/08/16 | Email to clients asking them to look at soil contours and say whether soil was higher than retaining wall |  | *4* | 13 |
|  | 15/08/16 | Preparing for trial | 5 | *30* | 13 |
|  | 16/08/16 | Prepare, confer, look through subpoena’s papers | 3 |  | 13 |
|  | 16/08/16 | Appear in Magistrates Court trial day one | 6 |  | 15(a), 15(b) |
|  | 17/08/16 | Trial preparation | 3 |  | 13 |
|  | 17/08/16 | Appearance in magistrates Court on day two, last day, closing submissions, adjourn for decision, taking decision | 7 |  | 15(e) |
|  | ~~23/08/16~~ | ~~Preparing letter to clients explaining the current position and returning all documents~~ |  | *~~8~~* |  |

APPENDIX TWO

CALCULATION OF CLAIM

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Scale item** | **Description**  | **Time mins** | **Hours/****Minutes** | **Fee earner rate** | **Costs** | **Allowance** | **Claim** |
| 4(b) | Statement of Defence | 171 | 2/51 | SP 407 | 1159 | 3256 | 1159 |
| 6  | Disclosure | 180 | 3 | RP 231 | 693 | 1155 | 693 |
| 13  | Preparation of case | 2090 | 34/50 | SP 407 | 14177 | 20350 | 14177 |
| 15(a), (b), (e) | Fee on Brief for counsel, second half first day, second day | 780 | 13/0 | C 330 | 4290 | 8250 | 4290 |
| 16  | Pre-trial conference | 260 | 4/20 | SP 407 | 1763 | Per hour | 1763 |
| TOTAL  |  |  |  |  | 22082 |  | **22082** |

1. Scale Items: 4(b) Statement of Defence; 6 Disclosure; 13 Preparation of Case; 15(a) Fee on Brief; 15(b) second half of first day; 15(e) Counsel fee second day of hearing; 16 Pre-trial conference. [↑](#footnote-ref-1)
2. Items struck through represent work done in applying for setting aside of default judgment. [↑](#footnote-ref-2)