

IN THE FEDERAL COURT OF AUSTRALIA
QUEENSLAND DISTRICT REGISTRY

No: QUD380 of 2007

FRIPPERY PTY LTD
First Applicant

MERVYN MEYER THOMAS
Second Applicant

PAMELA ANN THOMAS
Third Applicant

CAROL JEANETTE BOOTH
First Respondent

ENVIRONMENTAL DEFENDERS OFFICE (QLD) INC.
Second Respondent

JO-ANNE BRAGG
Third Respondent

LARISSA WATERS
Fourth Respondent

**SECOND, THIRD AND FOURTH RESPONDENTS'
CHRONOLOGY FOR SUMMARY DISMISSAL**

DATE	EVENT (Federal Court proceedings shown in bold)
16-17 December 2004	First respondent (Dr Booth) observes dead flying-foxes on applicants' lychee farm, "Edenvale", in North Queensland.
20 December 2004	Dr Booth files an Originating Application in the Queensland Planning and Environment Court under s 173D of the <i>Nature Conservation Act</i> 1992 (Qld) seeking to restrain the first, second and third applicants use of an electric grid on their lychee farm. The second respondent acts as solicitor for Dr Booth and the third and fourth respondent are employed solicitors of the second respondent.
5-7 September 2005	First trial in Townsville before Pack DCJ.
22 September 2005	Pack DCJ dismisses application: <i>Booth v Frippery Pty Ltd & Ors</i> [2005] QPEC 095.

FILED ON BEHALF OF THE
SECOND, THIRD AND FOURTH
RESPONDENTS

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27 February 2006	Appeal heard by Queensland Court of Appeal against decision of Pack DCJ.
17 March 2006	Court of Appeal allows appeal and orders re-trial before different judge: <i>Booth v Frippery Pty Ltd & Ors</i> [2006] 2 Qd R 210; [2006] QCA 74 (Williams JA, Holmes and McMurdo JJ).
16 November 2006	Dr Booth applies to the Registrar of the Supreme Court for assessment of the costs awarded by the Court of Appeal.
20 November 2006	Second and third applicants write to second and third respondents intimating counterclaim for “Writs for damages” to be lodged if application for costs assessment proceeds.
4 December 2006	Third applicant writes to the Registrar of the Supreme Court regarding the costs assessment intimating “a counter claim will be taken out ... as soon as possible.”
13 August 2007	Registrar of the Supreme Court issues order assessing Court of Appeal costs of Dr Booth against the applicants.
12-14 September 2007	Re-hearing of application before Robin QC DCJ.
17 October 2007	Statutory Demand for Payment of Debt for the costs awarded by the Court of Appeal sent to the first applicant on behalf of Dr Booth.
12 November 2007	First, second and third applicants file Application QUD 380/07 in the Federal Court.
14 November 2007	Robin QC DCJ grants application to restrain electric grids: <i>Booth v Frippery Pty Ltd & Ors</i> [2007] QPEC 99.
3 January 2008	First, second and third applicants file Application for Leave to Appeal in Court of Appeal.
15 & 25 February 2008	Appeal struck out for failure to comply with Court of Appeal’s directions: <i>Frippery Pty Ltd & Ors v Booth</i> (unreported, Queensland Court of Appeal No. 123/08, McMurdo P).
11 March 2008	Second, third and fourth respondents file Notice of Motion for Federal Court Application QUD 380/07 to be summarily dismissed.
16 April 2008	Hearing of Notice of Motion by Federal Court.

Dr Chris McGrath
Counsel for the second, third and fourth respondents
9 April 2008