

Application Notice

In the High Court Of Justice

Queen's Bench Division
Royal Courts of Justice

You should provide this information for listing the application

1. How do you wish to have your application dealt with

a) at a hearing? } *complete all questions below*

b) at a telephone conference? }

c) without a hearing? *complete Qs 5 and 6 below*

2. Give a time estimate for the hearing/conference
2 (hours) 30 (mins)

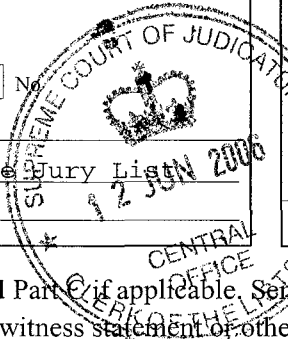
3. Is this agreed by all parties? Yes No

4. Give dates of any trial period or fixed trial date _____

5. Level of judge Judge in charge of the Jury List

6. Parties to be served Claimant

Claim no.	HQ 06 X 01157
Warrant no. <small>(if applicable)</small>	JS06/0046
Claimant <small>(including ref.)</small>	Giovanni Di Stefano
Defendant(s) <small>(including ref.)</small>	John L Murray
	JB/SJE/22445.0001
Date	12 June 2006



Note You must complete Parts A and B, and Part C if applicable. Send any relevant fee and the completed application to the court with any draft order, witness statement or other evidence; and sufficient copies for service on each respondent.

Part A

1. Enter your full name, or name of solicitor **X(We)**⁽¹⁾ Fladgate Fielder
(on behalf of ~~XXXXXXXXXX~~ (the defendant) The Honourable Mr Justice John L Murray intend to apply for an order (a draft of which is attached) that ⁽²⁾

2. State clearly what order you are seeking and if possible attach a draft

1. in so far as this claim is based on damage the Claimant alleges he has been caused in his reputation in any jurisdiction governed by Council Regulation (EC) No. 44/2001 of December 22, 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters ("the Judgments Regulation") other than in this jurisdiction by reason of the publication by the Defendant of which he complains herein, the court declare pursuant to CPR 11 that it has no jurisdiction to try any such claim and, accordingly, set aside service of the claim form and/or to the extent this claim is based on any such claim set aside the claim and/or stay the proceedings; and

2. in so far as this claim is based on damage the Claimant alleges he has been caused in his reputation in this jurisdiction by reason of the publication by the Defendant of which he complains herein, any such claim be struck out pursuant to CPR 3.4(2)(a) and judgment entered on the claim for the Defendant and/or summary judgment be given in respect of the claim against the Claimant pursuant to CPR 24.2

**PLACED IN THE INTERIM HEARINGS
WARNED LIST FOR WEEK
COMMENCING 3rd July 2006**

because⁽³⁾

1. in relation to Order (1) above, any such claim is not one that the court of England and Wales has the power to determine under the Judgments Regulation; hence, with regard to the service of the claim form herein out of the jurisdiction, in so far as any such claim is included in the claim form, the condition in CPR 6.19(1A) for service of the claim form out of the jurisdiction that "each claim included in the claim form made against the defendant to be served is a claim which the court has power to determine under the Judgments Regulation" was not satisfied; and

2. in relation to Order (2) above, the claim form / the Particulars of Claim disclose no reasonable grounds for bringing the claim, any such claim being based on a publication by the Defendant that took place on an occasion of absolute privilege; further or alternatively, for the same reason, the Claimant has no real prospect of succeeding on the claim and there is no other compelling reason why the case should be disposed of at a trial.

The court office at Strand, London, WC2A 2LL

is open from 10 am to 4 pm Monday to Friday. When corresponding with the court please address forms or letters to the Court Manager and quote the claim number.

Part B

X(We) wish to rely on: *tick one box*

the attached (witness statement) ~~XXXXXX~~ my statement of case

evidence in Part C in support of my application

4. If you are not already a party to the proceedings, you must provide an address for service of documents

Signed 
Jacqueline Brown

Position or office held Solicitor

(Applicant) ('s Solicitor) ~~XXXXXXXXXX~~ (if signing on behalf of firm or company)

Address to which documents about this claim should be sent (including reference if appropriate) ⁽⁴⁾

Fladgate Fielder Solicitors 25 North Row London		if applicable	
		fax no.	020 7629 4414
		DX no.	DX: 9057 West End
Tel. no. 020 7323 4747	Postcode	W1K 6DJ	e-mail

Part C

I (We) wish to rely on the following evidence in support of this application: