

NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 20/12/2018 2:51:52 PM AEDT and has been accepted for filing under the Court's Rules. Filing and hearing details follow and important additional information about these are set out below.

Filing and Hearing Details

Document Lodged:	Originating Application - Form 15 - Rule 8.01(1)
File Number:	VID1648/2018
File Title:	MICHAEL D WYLES Q.C. & ANOR v DLA PIPER AUSTRALIA (A FIRM)
Registry:	VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing:	To Be Advised
Time and date for hearing:	To Be Advised
Place:	To Be Advised



Dated: 24/12/2018 11:22:33 AM AEDT

A handwritten signature in blue ink, which appears to read "Warwick Soden".

Registrar

Important Information

As required by the Court's Rules, this Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The Reason for Listing shown above is descriptive and does not limit the issues that might be dealt with, or the orders that might be made, at the hearing.

The date and time of lodgment also shown above are the date and time that the document was received by the Court. Under the Court's Rules the date of filing of the document is the day it was lodged (if that is a business day for the Registry which accepts it and the document was received by 4.30 pm local time at that Registry) or otherwise the next working day for that Registry.



Originating application

No. of 2018

Federal Court of Australia
District Registry: Victoria
Division: General

Michael D Wyles Q.C. ABN 66 329 698 590 and Rodrigo Pintos-Lopez ABN 8939 398 7913
Applicants

DLA PIPER AUSTRALIA (A FIRM) ABN 83 508 451 308

Respondent

To the Respondent

The Applicants apply for the relief set out in this application.

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the Court may make orders in your absence.

You must file a notice of address for service (Form 10) in the Registry before attending Court or taking any other steps in the proceeding.

Time and date for hearing:

Place: 305 William Street, Melbourne VIC 3000

The Court ordered that the time for serving this application be abridged to

Date:

Signed by an officer acting with the authority
of the District Registrar

Filed on behalf of (name & role of party) Michael D Wyles QC and Rodrigo Pintos-Lopez, the Applicants

Prepared by (name of person/lawyer) Leath Nicholson

Law firm (if applicable) Nicholson Ryan Lawyers

Tel (03) 9640 0400 Fax (03) 9642 0866

Email leathn@nrlawyers.com.au

Address for service Level 7, 420 Collins Street, Melbourne VIC 3000
(include state and postcode)



Details of claim

On the grounds stated in the concise statement, the Applicants claim:

1. The First Applicant seeks orders that the Respondent immediately perform the retainer and pay to him the sum of \$273,975 plus interest at the cash target rate, fixed by the Reserve Bank Australia, plus 6%, alternatively orders pursuant to s 236 or s 237 of the Australian Consumer Law that he be put in the position that he would have been in but for Mr Tsiakis' failure and refusal to inform the First Applicant on 31 May 2018 that the Respondent was not responsible to pay the First Applicant the fees he had invoiced unless the Respondent received monies to do so from its client, namely to have declined the Respondent's instructions and billed other solicitors for work for their clients on the days when the First Applicant performed work for the Respondent for its client in the period 31 May 2018 to 12 July 2018. The First Applicant seeks orders that the Respondent immediately perform the retainer and pay to him the sum of \$273,975 plus interest at the cash target rate, fixed by the Reserve Bank Australia, plus 6%, alternatively orders pursuant to s 236 or s 237 of the Australian Consumer Law that he be put in the position that he would have been in but for Mr Tsiakis' failure and refusal to inform the First Applicant on 31 May 2018 that the Respondent was not responsible to pay the First Applicant the fees he had invoiced unless the Respondent received monies to do so from its client, namely to have declined the Respondent's instructions and billed other solicitors for work for their clients on the days when the First Applicant performed work for the Respondent for its client in the period 31 May 2018 to 12 July 2018.
2. The Second Applicant seeks orders that the Respondent immediately perform the retainer and pay to him the sum of \$97,554.48 plus interest the cash target rate, fixed by the Reserve Bank Australia, plus 2% from the date the bill was issued, alternatively orders pursuant to s 236 or s 237 of the Australian Consumer Law, mutatis mutandis the relief sought by the First Applicant.

The Applicants' address

The Applicants' address for service is:

Place: Nicholson Ryan Lawyers of Level 7, 420 Collins Street, Melbourne VIC 3000

Email: leathn@nrlawyers.com.au

The First Applicant's address is Room 7, Level 29, Aickin Chambers, 200 Queen Street, Melbourne VIC 3000.

The Second Applicant's address is Room 2, Level 23, Aickin Chambers, 200 Queen Street, Melbourne VIC 3000.

**Service on the Respondent**

It is intended to serve this application on the Respondent.

Date: 20 December 2018

A handwritten signature in black ink, consisting of several fluid, overlapping loops and strokes, is written above a horizontal line.

Signed by Leath Nicholson
Lawyer for the Applicants