

## #SUMMONS COMMENCING AN APPEAL (PART 50)

## #SUMMONS SEEKING LEAVE TO APPEAL (PART 50)

### COURT DETAILS

Court  
#Division  
#List  
Registry  
Case number

### TITLE OF PROCEEDINGS

[First] plaintiff **[name]**  
#Second plaintiff #Number of  
plaintiffs (if more than two) [#name #number  
Refer to Party Details at rear for full list of parties]

[First] defendant **[name]**  
#Second defendant #Number of  
defendants (if more than two) [#name #number  
Refer to Party Details at rear for full list of parties]

### PROCEEDINGS IN THE COURT BELOW

Title below [eg X Pty Limited and another v Y and others]  
Court below  
Case number below  
Date[s] of hearing  
Material date  
Decision of [Judicial officer's name and designation]

### FILING DETAILS

Filed for **[name]** [role of party eg defendant]  
#Filed in relation to [eg whole decision below, decision below in relation to  
(number) cross-claim, decision below in relation to  
quantum]  
[include only if form to be eFiled]  
#Legal representative [solicitor on record] [firm]  
#Legal representative reference [reference number]  
Contact name and telephone [name] [telephone]  
Contact email [email address]

### HEARING DETAILS

This summons is listed at [time, date and place to be inserted by the registry unless otherwise known].

## TYPE OF APPEAL

[Select type of claim from the list available on the UCPR website at [www.ucprforms.nsw.gov.au](http://www.ucprforms.nsw.gov.au) by clicking on the link to Publications, or at any NSW court registry.]

## DETAILS OF APPEAL

- 1        #The plaintiff appeals from the whole of the decision below.
- #The plaintiff appeals from the part of the decision below in relation to [state the relevant part of the decision below].

## ORDERS SOUGHT

- 1        #Leave to appeal from the whole of the decision below.
- #Leave to appeal from the part of the decision below in relation to [state the relevant part of the decision below].
- 2        Appeal allowed.
- 3        [#Judgment #Order (number eg 3, if appealing part only)] of the court below be set aside.
- 4        [State what decision the plaintiff seeks in place of the decision of the court below.]
- 5        [ ]

## APPEAL GROUNDS

- 1        [State briefly but specifically the grounds relied on in support of the appeal. Include details of any contention that there was an error of law in the decision of the court below.]
- 2        [ ]

## #SIGNATURE OF LEGAL REPRESENTATIVE

#This summons does not require a certificate under clause 4 of Schedule 2 to the [Legal Profession Uniform Law Application Act 2014](#).

#I certify under clause 4 of Schedule 2 to the [Legal Profession Uniform Law Application Act 2014](#) that there are reasonable grounds for believing on the basis of provable facts and a reasonably arguable view of the law that the claim for damages in these proceedings has reasonable prospects of success.

I have advised the plaintiff[s] that court fees will be payable during these proceedings. These fees may include a hearing allocation fee.

Signature

Capacity [eg solicitor on record, contact solicitor]

Date of signature

#### **#SIGNATURE OF OR ON BEHALF OF PLAINTIFF IF NOT LEGALLY REPRESENTED**

I acknowledge that court fees will be payable during these proceedings. These fees may include a hearing allocation fee.

Signature

Capacity [eg authorised officer, role of party]

Date of signature

#### **NOTICE TO DEFENDANT**

If your solicitor, barrister or you do not attend the hearing, the court may give judgment or make orders against you in your absence. The judgment may be for the relief claimed in the summons and for the plaintiff's costs of bringing these proceedings.

Before you can appear before the court, you must file at the court an appearance in the approved form.

#### **HOW TO RESPOND**

**Please read this summons very carefully. If you have any trouble understanding it or require assistance on how to respond to the summons you should get legal advice as soon as possible.**

You can get further information about what you need to do to respond to the summons from:

- A legal practitioner.
- LawAccess NSW on 1300 888 529 or at [www.lawaccess.nsw.gov.au](http://www.lawaccess.nsw.gov.au).
- The court registry for limited procedural information.

Court forms are available on the UCPR website at [www.ucprforms.nsw.gov.au](http://www.ucprforms.nsw.gov.au) or at any NSW court registry.

#### **REGISTRY ADDRESS**

Street address

Postal address

Telephone

[on separate page]

**#PARTY DETAILS**

[include only if more than two plaintiffs and/or more than two defendants]

**PARTIES TO THE PROCEEDINGS****Plaintiff[s]**

[name] [role of party eg first plaintiff]

[repeat as required for each additional plaintiff]

**Defendant[s]**

[name] [role of party eg first defendant]

[repeat as required for each additional defendant]

**FURTHER DETAILS ABOUT FILING PARTY****[First] plaintiff**

Name

Address

[The filing party must give the party's address.]

#[unit/level number]

#[building name]

[street number]

[street name]

[street type]

[suburb/city]

[state/territory]

[postcode]

#[country (if not Australia)]

#Frequent user identifier

[include if the plaintiff is a registered frequent user]

[repeat the above information as required for the second and each additional plaintiff]

**#Legal representative for plaintiff[s]**

Name

[name of solicitor on record]

Practising certificate number

Firm

[name of firm]

#Contact solicitor

[include name of contact solicitor if different to solicitor on record]

Address

#[unit/level number]

#[building name]

[street number]

[street name]

[street type]

[suburb/city]

[state/territory]

[postcode]

DX address

Telephone

Fax

Email

Electronic service address

[#email address for electronic service eg [service@emailaddress.com.au](mailto:service@emailaddress.com.au) #Not applicable]**#Contact details for plaintiff[s] acting in person or by authorised officer**

#Name of authorised officer

#Capacity to act for plaintiff[s]

Address for service

[The filing party must give an address for service. This must be an address in NSW unless the exceptions listed in

#as above

#[unit/level number]

#[building name]

[street number]

[street name]

[street type]

UCPR 4.5(3) apply. State "as above" if the filing party's address for service is the same as the filing party's address stated above.]

[suburb/city]

[state/territory]

[postcode]

#Telephone

#Fax

#Email

## DETAILS ABOUT DEFENDANT[S]

### [First] defendant

Name

Address

#[unit/level number]

#[building name]

[street number]

[street name]

[street type]

[suburb/city]

[state/territory]

[postcode]

#[country (if not Australia)]

[repeat the above information as required for the second and each additional defendant]