

Originating application

No. of 20

Federal Court of Australia
District Registry: NSW
Division: General

Rodgers Reidy (Qld) Pty Limited ACN 117 655 973 and others named in the schedule

Applicants

Google Australia Pty Limited ACN 102 417 032 and another named in the schedule

Respondents

To the Respondents

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: 184 Phillip St, Sydney NSW 2000

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 the Applicants

Prepared by Stephen Michael Polczynski

Tel 02 9234 1500

Fax 02 9234 1511

Our Ref

SMP:CXL:201947

Email plawyers@plawyers.com.au

Address for Service

Polczynski Lawyers of Level 12, 77 King Street, Sydney NSW 2000

Details of claim

On the grounds stated in the statement of claim, accompanying affidavit or other document prescribed by the Rules, the Applicants claim:

1. An order that the First Respondent, by himself, his employees, servants or agents, be permanently restrained from publishing:
 - a. the Representations or any of them; and
 - b. any representation substantially the same as the Representations or any of them.
2. An order that the First Respondent cause, within 24 hours of the final determination of this proceeding, the advertisement titled "Rodgers Reidy – David Hambleton gets sued – pleading.com.au" or similar, to be removed or de-linked from Google Adwords, such that a link to the advertisement, or the advertisement itself, or anything identifying the advertisement, does not appear when an Internet search of any kind is conducted for the words "Rodgers Reidy" or any other words.
3. An order that the Second Respondent cause, within 24 hours of the final determination of this proceeding, the advertisement titled "Rodgers Reidy – David Hambleton gets sued – pleading.com.au" or similar, to be removed or de-linked from Google Adwords, such that a link to the advertisement, or the advertisement itself, or anything identifying the advertisement, does not appear when an Internet search of any kind is conducted for the words "Rodgers Reidy" or any other words.
4. Costs.

Claim for interlocutory relief

The Applicant also claims interlocutory relief.

5. An order that, until final determination of this proceeding or further order of the Court, the First Respondent cause, within 2 hours of the determination of the application for interlocutory relief, the advertisement titled "Rodgers Reidy – David Hambleton gets sued – pleading.com.au" or similar, to be removed or de-linked from Google Adwords, such that a link to the advertisement, or the advertisement itself, or anything identifying the advertisement, does not appear when an Internet search of any kind is conducted for the words "Rodgers Reidy" or any other words.
6. An order that, until final determination of this proceeding or further order of the Court, the Second Respondent cause, within 2 hours of the determination of the application for interlocutory relief, the advertisement titled "Rodgers Reidy – David Hambleton gets

sued – pleading.com.au” or similar, to be removed or de-linked from Google Adwords, such that a link to the advertisement, or the advertisement itself, or anything identifying the advertisement, does not appear when an Internet search of any kind is conducted for the words “Rodgers Reidy” or any other words.

In this originating application:

‘Representations’ means any or all of the following representations:

- a) that David Hambleton acted other than in accordance with his professional and ethical duties in respect of the bankruptcy of Gordon;
- b) that David Hambleton acted unlawfully in respect of the bankruptcy of Gordon;
- c) that that David Hambleton sabotaged or obstructed any legal proceedings;
- d) that David Hambleton misappropriated any proceeds of sale of the Property;
- e) that David Hambleton caused any individuals to trespass on the Property;
- f) that David Hambleton acted incompetently in respect of the administration of the bankruptcy of Gordon;
- g) that David Hambleton misappropriated any domain name to which he was not entitled;
- h) that David Hambleton maliciously caused Gordon (or any other individual) to remain bankrupt for 3 to 8 years longer than Gordon or such other individual otherwise would have.

The **Property** means the property at 63 Nandroya Road, Cooroy, Queensland.

Applicants’ addresses

The Applicants address for service is:

Place: Polczynski Lawyers of Level 12, 77 King Street Sydney NSW 2000

Email: plawyers@plawyers.com.au


The Applicants' addresses are as follows:

- First Applicant: Level 9, River Quarter, 46 Edward Street, Brisbane, QLD 4000
- Second Applicant: Level 2, Trafalgar Square, 230 Clarence Street, Sydney, NSW 2000
- Third Applicant: Level 3, 326 William Street, Melbourne, VIC 3000
- Fourth Applicant: Level 2, Trafalgar Square, 230 Clarence Street, Sydney, NSW 2000

Service on the Respondent

It is intended to serve this application on all Respondents.

Date: 1 February 2017

Signed by  STEPHEN MICHAEL POLCZYNSKI
Lawyer for the Applicants

Schedule

No. of 2017

Federal Court of Australia
District Registry: New South Wales
Division: General

Applicants

First Applicant: Rodgers Reidy (Qld) Pty Limited ACN 117 655 973
Second Applicant: Rodgers Reidy (NSW) Pty Limited ACN 089 898 813
Third Applicant: Rodgers Reidy (Vic) Pty Limited ACN 112 011 321
Fourth Applicant: Rodgers Reidy (International) Pty Limited ACN 124 647 696

Respondents

First Respondent: Google Australia Pty Limited ACN 102 417 032
Second Respondent: Gordon Craven

Date: 1 February 2017