

No. **D**

11774487

DEFAULT SUMMONS

In the Magistrates' Court
at Melbourne

Complainant SYME MEDIA PTY LTD trading as NEWSPRESS

Defendant MRA PROMOTIONS PTY LTD, 440 Elizabeth St, MELBOURNE trading
of as MRA MOTORCYCLE INSURANCE, 22 Tooronga Rd, EAST MALVERN

Nature of Complaint: Work and labour done and materials supplied.

TO THE DEFENDANT

Whereas a complaint has this day been made to the Clerk of the above-mentioned Magistrates' Court in respect of a cause of action for a debt or liquidated demand, the particulars whereof are endorsed hereon or annexed hereto.

The Claimant's claim is for the sum of \$ 824.00
done and materials supplied to you at your request.

being the amount due for work and labour

Between October, 1986 and February, 1987

particulars whereof have already been supplied to you.

- 3 APR 1987
W.E.B.

TAKE NOTICE - Unless, within 21 days of the day this summons is served upon you, you or your Solicitor give notice of defence, together with particulars of your defence, to the Complainant or his Solicitor and to the Clerk of the above-mentioned Magistrates' Court, an order for the amount claimed, together with costs, may be made against you.

The Complainant's address for service is C/- Fijalski & Associates, Solicitors, 358 Lonsdale St, Melbourne to which or at which all notices may be posted or left.

The Complainant alleges that the cause of action herein arose at Melbourne.

Dated at the above-mentioned Magistrates' Court this - 3 APR 1987 day of April 19 87

W.E.B.

[Signature]
Clerk of the Magistrates' Court

If you pay the amount of the claim \$ 824.00 and costs \$ 115.00 to the Complainant or his Solicitor without giving notice of defence you may avoid further costs.

PLEASE READ THE NOTES ON THE BACK OF THIS FORM.

NOTICE OF DEFENCE AND PARTICULARS OF DEFENCE

In the Magistrates' Court at Melbourne

No 117744/87

Complainant SYME MEDIA PTY LTD trading as NEWSPRESS

Defendant MRA PROMOTIONS PTY LTD, 440 Elizabeth St, MELBOURNE trading as MRA MOTORCYCLE INSURANCE, 22 Tooronga Rd, EAST MALVERN of

Nature of Complaint Work and labour done and materials supplied

A. NOTICE OF DEFENCE

- 1. The defendant hereby gives notice of his intention to defend the matter of the complaint.
2. * The defendant's Solicitor is ... whose address is ... to which or at which all notices and documents may be posted or left. OR
2. * The defendant is not represented by a Solicitor. The defendant's address is ... to which or at which all notices and documents may be posted or left.
3. A copy of the Summons arising out of the complaint was served upon the defendant on ... (date)

B. - PARTICULARS OF DEFENCE (Details of material facts relied upon must be given.)

FIJALSKI & ASSOCIATES SOLICITORS

3rd FLOOR, 358 LONSDALE ST. MELBOURNE 3000

Dated the day of 19

(If necessary continue overleaf.)

TO: Complainant or his Solicitors

- * Defendant
* Defendant's Solicitor

NOTICE OF DEFENCE AND PARTICULARS OF DEFENCE

In the Magistrates' Court at Melbourne

No 117744/87

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FIJALSKI & ASSOCIATES SOLICITORS

3rd FLOOR, 358 LONSDALE ST. MELBOURNE 3000

Dated the day of 19

(If necessary continue overleaf.)

TO: Clerk of the Magistrates' Court

- * Defendant
* Defendant's Solicitor

(Inc. Vic.)

20 April 1987.

Mr. Chris Beattie.
The Editor.
Australian Motorcycling News.

Dear Chris,

as you are aware of my financial situation I felt it appropriate to bring this matter to your attention. At the end of 1985 you approached me to write a column, "Field of Fire", for AMCN for \$100 per issue. Although you told me of a possible pay rise more than 6 months ago, in some 18 months there has been no increase. Since 1985 I have made many paid and unpaid contributions to AMCN. I do not receive expenses for my work such as travelling expenses which are paid for attending race meetings etc. to others writing for AMCN.

The subjects I write about are specialised and I am the only person employed by AMCN that has the contacts and experience to cover the area of politics and promotion.

At no time have I been given any guide as to rates of pay other than the \$100 per column you offered me. There has never been any question raised that the invoices I have submitted were incorrect. Therefore I have structured all invoices with this pay scale in mind and hoped that there would be a pay increase. I understand that the AJA recommends journalists be paid \$250 per thousand words. This seems to indicate that David Syme & Co. pay less than the average. David Syme & Co. do not detail what payments are for and are very irregular and slow in paying. This makes bookkeeping difficult. On the other hand they are very quick to take people who owe them money to court even without their knowledge.

On the 3/3/87 I sent David Syme & Co. an invoice for \$1000. It was detailed and not disputed. Well over a month later I received a cheque for \$282 and, as usual there were no details in the pay advice. About this time I received, via the MRA Shop (?), notice of a court action against my company on April 3. I was aware of my outstanding account for \$700 but I had discussed my financial situation with you on several occasions and made you aware that I had taken a job as a labourer to pay my bills. I was not aware of the court action claiming a total of \$937. \$874 plus \$113 costs. Where did the extra \$124 come from? David Syme & Co. made no attempt I am aware of to contact me even though they have both my address and phone number and I am a regular visitor to your office. They sent the letter to the wrong address and as far as I can tell failed to mention the matter to yourself or Alan Peck up to Easter '87

The MRA Shop did not inform me of the mail and sent the letter to the wrong post office despite the fact that they too have my address and phone number and I have asked Julian Butler to pick up any mail for me left at the shop on several occasions recently. I had no knowledge of any David Syme & Co. demands other than that for \$700. As you were aware of my financial situation I was surprised to say the least to get their letter which was hand delivered to me by someone from the shop in the last few days.

Would you please talk to David Syme & Co. accounts and request A) that legal action be stopped and that the amount of \$813 be paid to them from the \$1000 they owe me. B) that they supply me with a detailed list of pay rates for contributions to AMCN. C) that David Syme & Co. detail all past accounts and pay advice sent to me.

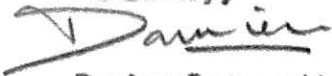
I feel that my accounts sent to David Syme & Co. are legitimate. I see no point in the issuing of a default summons since AMCN has been aware that the total assets of MRA

2.

Promotions Pty. Ltd. do not total \$900. Nor do I feel that action on my part to recover the \$1050 owed to MRA Promotions Pty. Ltd. by David Syme & Co would be constructive. This is especially so since I have made AMCN aware that I have taken all possible steps, including selling personal jewellery and property and taking a job to pay the bills.

Please request that a contra arrangement be made paying David Syme and Co. the \$813 owed from the \$1050 they owe MRA Promotions Pty. Ltd.

Sincerely,



Damien Carlognotto
Director.