

BETWEEN:-

DAVID JOHN ARTHUR (1)
ANNETTE ARTHUR (2)

Claimants

-and-

JOHN HOWARD LAYTE (1)
KATHRYN MICHELE LAYTE (2)

Defendants

NOTICE

TO District Judge Wainwright or, in her absence, any sitting District Judge
The Court Manager Exeter County Court
The first defendant
The second defendant

TAKE NOTICE

that, unless the court of its own motion adjourns the hearing of 27 May 2009 to a date after the appeal hearing of 14 July 2009 the claimants will attend on 27 May 2009 and apply for an adjournment of the hearing with costs

AND the reasons will include:

- ① H H Judge Griggs on 16 January 2008 ruled and reminded at paragraph 25 that the first defendant had no authority to serve electronically
- ② irrespective of any ruling, as the first defendant is computer literate and malicious the claimants should never have been required to risk trying to load a first defendant generated data disc to their system
- ③ that the claimants first received the first defendant's hard copy bill of costs by virtue of having paid the court for it on the afternoon of 13 May 2009, being three years, two months and three weeks (= 1,160 days) late and there is insufficient time to respond, let alone give the first defendant time to reply
- ④ the court repeatedly failed to comply with its own order of 10 September 2007 at paragraph four
- ⑤ so extensive is the first defendant's document that the claimants cannot be expected to comply with the **wrongly drawn** order of 30 December 2008 which incorrectly purported to limit the claimants' response to eight pages, meaning that a further revised order is required

The defendants are invited to communicate with the court immediately to confirm they have no objection to an adjournment.


D J Arthur

14.05.2009