

BETWEEN:

JULIAN KNIGHT

plaintiff

- and -

JAN SHUARD & DENNIS ROACH

defendants

ORIGINATING MOTION

Date of document: 4 June 2013
Filed on behalf of the plaintiff
Prepared by the plaintiff
Port Phillip Prison
Doherty's Road
Laverton North Vic 3026

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AUSDOC: DX-39334
LAVERTON

TO THE DEFENDANTS

TAKE NOTICE that this proceeding by originating motion has been brought against you by the plaintiff for the relief or remedy set out below.

IF YOU INTEND TO DEFEND the proceeding, YOU MUST GIVE NOTICE of your intention by filing an appearance within the proper time for appearance stated below.

YOU OR YOUR SOLICITOR may file the appearance. An appearance is filed by:

- (a) filing a "Notice of Appearance" in the Prothonotary's office, 436 Lonsdale Street, Melbourne, or, where the originating motion has been filed in the office of a Deputy Prothonotary, in the office of that Deputy Prothonotary; and
- (b) on the day you file the Notice, serving a copy, sealed by the Court, at the plaintiff's address for service, which is set out at the end of this originating motion.

IF YOU FAIL to file an appearance within the proper time, the plaintiff MAY OBTAIN JUDGEMENT AGAINST YOU without further notice.

IF YOU FILE an appearance within the proper time, the plaintiff cannot obtain judgement against you except by application to the Court after notice to you by summons.

THE PROPER TIME TO FILE AN APPEARANCE is within 10 days after service on you of this originating motion.

FILED: _____

- 4 JUN 2013


Prothonotary

THIS ORIGINATING MOTION is to be served within one year from the date it is filed or within such further period as the Court orders.

STATEMENT OF CLAIM

1. The plaintiff, having being declared a vexatious litigant by the Court on 19 October 2004, seeks leave to commence proceedings by way of originating motion against the defendants on the grounds that;
 - (a) The proceedings have substance & are not an abuse of process,
 - (b) The proceedings are not doomed to fail,
 - (c) The plaintiff is in the lawful custody of the defendants,
 - (d) The proceedings concern the reduction in the length of the plaintiff's sentence of imprisonment, &
 - (e) The proceedings raise novel questions of law in relation to the granting of Emergency Management Days to prisoners in the Victorian prison system.

2. The plaintiff seeks from the Court an order in the nature of certiorari quashing the defendants' decision to refuse the plaintiff's application for Emergency Management Days submitted at Port Phillip Prison on 12 September 2012, & a further order in the nature of mandamus requiring the defendants to reconsider the plaintiff's application according to law, on the ground that the defendants were wrong in fact & in law in finding that the plaintiff's conduct did not meet the criteria for the granting of Emergency Management Days pursuant to section 58E of the Corrections Act 1986 (Vic).

1. Place of trial:

Melbourne

2. This originating motion was filed:

by the plaintiff in person

3. The address of the plaintiff is:

Port Phillip Prison
Doherty's Road
Laverton North Vic 3026

4. The address for service of the plaintiff is:

Port Phillip Prison	or	Port Phillip Prison
PO Box 376		DX-39334
LAVERTON VIC 3028		LAVERTON

5. The address of the 1st defendant is:

Level 22
121 Exhibition Street
Melbourne Vic 3000

6. The address of the 2nd defendant is:

Port Phillip Prison
Doherty's Road
Laverton North Vic 3026