Application Notice

You should provide this information for listing the application:

1. How do you wish to have your application dealt with?

   (a) at a Hearing? [√] complete all questions below

   (b) at a telephone conference? [ ]

   (c) without a Hearing? [ ] Complete questions 5&6 below

2. Give a time estimate for the hearing/conference: **½ day**
3. Is this agreed by all parties? Yes [ ] No [√]
4. Give the dates of any Trial period or fixed Trial date: 11.01.10
5. Level of Judge: **His Honour Judge Chambers QC**
6. Parties to be served: **The Claimant**

In the CARDIFF COUNTY COURT	
Claim No.	BS614159-MC65 CF101741 CF204141 7CF07345
Warrant No. (if applicable)	
Claimant (including ref)	MAURICE JOHN KIRK
Defendant(s) (including ref)	CHIEF CONSTABLE OF SOUTH WALES POLICE APO.MS.SOU-5-65
Date	**14 April 2009**

Part A

1. Enter your full name, or name of solicitor.

2. State clearly what order you are seeking and if possible attach a draft.

We, Dolmans Solicitors on behalf of the Defendant,

intend to apply for an order (a draft of which is attached) that:- the date for compliance of paragraph 6 of the Court Order dated 25 November 2008 be extended until 14 May 2009. That unless the Claimant exchanges witness statements dealing with Actions BS614159-MC65, CF101741 and CF204141 by 4:00pm on 14 May 2009 Actions BS614159-MC65, CF101741 and CF204141 will be struck out.

3. Briefly set out why you are seeking the order. Include the material facts on which you rely,Identifying any rule or statutory provision.

Because: The trial of this matter has been listed to commence on 11 January 2010 with a time estimate of 10 weeks. The Defendant is ready to proceed to exchange witness statements dealing with Actions BS614159-MC65, CF101741 and CF204141.

Part B

We wish to rely on:-

the attached witness statement [ ] my statement of case [ ]

evidence in Part C overleaf in support of my application [√]

4. If you are not already a party to the proceedings, you must provide an address for service of documents.

Signed: …….. **Position or office held: Partner**
(If signing on behalf of firm or company)

Dolmans Solicitors
17-21 Windsor Place
Cardiff
CF10 3DS

Address to which documents about this claim should be sent:-

Dolmans Solicitors 17-21 Windsor Place Cardiff			if applicable	
			fax no.	029 2039 8206
			DX no.	33005 CARDIFF 1
tel no. 029 2034 5531	Postcode	CF10 3DS	e-mail	adriano@dolmans.co.uk

Part C

Claim No.	

We wish to rely on the following evidence in support of this application:

The Claimant has persistently sought "further disclosure" from the Defendant by means of a number of applications for "specific disclosure" on Actions BS614159-MC65, CF101741 and CF204141. At the last case management conference on 25 November 2008 the Claimant requested an affidavit from the Defendant in respect of disclosure. His Honour Judge Chambers QC advised the Claimant that if the Defendant provided such an affidavit the Claimant could not go behind that document by seeking to make further requests for documents until the trial itself. His Honour Judge Chambers QC emphasised to the Claimant that he could not make any further requests for disclosure once he had received the affidavit.

Under paragraph 1 of the Court Order of 25 November 2008 His Honour Judge Chambers QC ordered that:

In respect of the Claimant's application for "further disclosure", the Defendant shall serve upon the Claimant an affidavit confirming lists of documents on Actions BS614159-MC65, CF101741 and CF204141 by 4:30pm on 5 January 2009. The original affidavit shall be filed at Court.

By way of letter dated 25 February 2009 the Claimant was served with a copy of the affidavit.

On 27 February 2009 the Claimant attended Police Headquarters seeking to arrest the Chief Constable in respect of the affidavit.

On 8 April 2009 the Claimant sent an email to Cardiff County Court, Dolmans and others in which he applied to HM Attorney General and Cardiff County Court "for the arrest of the Chief Constable of the South Wales Police for the indictable offence of Contempt of Court. If neither instruct or orders someone to do it, I will do it myself without further notice." In the same email the Claimant makes "Applications for Specific Disclosure" and suggests that he cannot obtain witness statements without further disclosure being made.

It is respectfully submitted that such applications are inappropriate and ill founded. The Court is requested to dismiss the Claimant's applications and make an order in the terms set out in the Defendant's draft order.

Statement of Truth

I believe that the facts stated in this application are true.

Signed: **……**
Mr Adrian Oliver
Dolmans Solicitors
17-21 Windsor Place
Cardiff
CF10 3DS

Position or office held: Partner
(if signing on behalf of firm or company)

Date: 14 April 2009