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| MAGISTRATES COURT of WESTERN AUSTRALIA(CIVIL JURISDICTION)**FORM 36 - LIST OF DOCUMENTS** |
|  |
| Registry:       | Case number:       |

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| **Claimant** |       |

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| **Defendant** |       |

*(\* Delete as applicable)*

The following is a list of the documents relating to the matters in question in this case which are or have been in the possession, custody, or power of the \***select a party name type** and which is lodged and served in compliance with Rule 30 of the Magistrates Court (Civil Proceedings) Rules 2005.

1. The \***select a party name type** \* has in **select his, hers or its**, possession, custody or power the documents relating to the matters in question in this case listed in the first schedule.
2. The \***select a party name type** \* objects to produce the documents listed in Part II of the first schedule on the grounds that:

1. The \***select a party name type** \* has had, but has not now, in their possession, custody or power the documents relating to the matters in question in this case listed in the second schedule.
2. The documents in the second schedule, were last in the \***select a party name type** \* possession, custody or power on the dates set out in that schedule. *[Provide details as to what’s become of the documents and in whose possession they are now in]*:

1. Neither the \***select a party name type** \* nor lawyer nor any other person on their behalf, has now, or ever had, in \* **select his, hers or its** \*, possession, custody or power any document of any description whatever relating to any matter in question in this case, other than the documents listed in the first and second schedules.

***The first schedule***

PART I

[Provide a list of the documents (or bundles of documents if of the same nature, such as invoices), in a convenient order, that are in the possession, custody or power of the party in question that the party does not object to produce, with a short description of each document or bundle sufficient to identify it.]:

PART II

*[Provide a list of the documents in the possession, custody or power of the party in question that the party objects to produce]*:

***The second schedule***

[Provide a list of the documents that have been, but at the date of service of the list are not, in the possession, custody or power of the party in question.]:

 **NOTICE TO INSPECT**

*[This section must be completed by the lodging party]*

Take notice that the documents listed in Part I of the first schedule, may be inspected at the office/location of the \***select a party name type** \* at: *(enter the address for inspection)*

on the       day of      20

between the hours of:       am / pm and       am / pm

Date: Click here to enter a date. Claimant/defendant or lawyer:

|  |  |
| --- | --- |
| To: The \***select claimant, defendant or lawyer***(enter address for service)*                | To: The \***select claimant, defendant or lawyer** *(enter address for service)*                |

*Lodging party must complete all fields below including the address for service.*

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| Lodged by  | [ ]  Claimant or Claimants Lawyer [ ]  Defendant or Defendants Lawyer[ ]  Other       |
| Address for service |       |
| Contact details | Telephone:      | Lawyer’s ref:      | Fax:      | E mail:      |