

## STATEMENT OF CLAIM

### COURT DETAILS

Court Local Court  
Division Small Claims  
Registry Burwood Local Court  
Case number 472/07



### TITLE OF PROCEEDINGS

Plaintiff On Line Marketing (Australia) Pty Limited  
ACN 083 640 055  
Number of plaintiffs 1  
Defendant AquaSkipper Australia Pty Limited  
ACN 123 886 859  
Number of defendants 1

### FILING DETAILS / ADDRESS FOR SERVICE

Filed for Plaintiff  
Address for service C/- Youth and Enterprise Legal Centre  
PO Box 100, Blakehurst NSW 2221  
Telephone 1300 136 921  
Fax (02) 9764 5866  
Reference number 07.1190

### VENUE

Intended hearing venue Local Court, 7-9, Belmore Street, Burwood NSW 2134

### RELIEF CLAIMED

The plaintiff claims:

1. Amount of claim	\$ 1,650.00	(inclusive of GST) being damages for breach of contract
2. Interest	\$ 45.20	calculated to the date of filing and continuing
3. Service fees	\$ <del>44.00</del> 48.00	
4. Solicitor's costs	\$ 345.18	(inclusive of GST)
<b>TOTAL:</b>	<b>\$ 2,084.38</b>	calculated to the date of filing and interest continuing

## PARTICULARS OF INTEREST

The plaintiff claims interest pursuant to s 100 of the Civil Procedure Act 2005 from 19 February 2007 to the date of payment or judgement at the rates prescribed by the Uniform Civil Procedure Rules 2005 on the amount of \$1,650.00 as follows:

1. From 19 February 2007 to 30 May 2008 (the date of filing) at 10% (100 days) \$45.20
2. From 30 May 2007 (the date of filing) to date of payment or judgement at the rate of 10% per annum accruing at the rate of \$0.45 per day

## PLEADING AND PARTICULARS


The plaintiff relies on the following facts and assertions:

1. The plaintiff, On Line Marketing (Australia) Pty Limited is a corporation registered under the Corporations Act 2001 with ACN 083 640 055 and is capable of suing or being sued in its own said corporate name and style.
2. The defendant, AquaSkipper Australia Pty Limited is a corporation registered under the Corporations Act 2001 with ACN 123 886 859 and is capable of suing or being sued in its own said corporate name and style.
3. On or about 3 November 2006 the plaintiff purchased the use of the domain name www.aquaskipper.com.au ("the domain name") from the owner of the domain name, Fair Ocean Trading Pty Limited for \$300.00.
4. On 19 February 2007, by agreement between the plaintiff and defendant, the plaintiff agreed to sell its equitable interest in the domain name to the defendant in consideration of the sum of \$1,500.00 plus GST ("the agreement").
5. On 20 February 2007 the defendant contacted Fair Ocean Trading Pty Limited and provided them with a copy of the signed agreement. The defendant represented to Bruce Rickeard of Fair Ocean Trading that the agreement was settled and that they were now the owners of the domain name. On this basis Fair Ocean Trading contacted Planet Domain and authorised them to transfer the domain name licence to the defendant.
6. On 21 February 2007 the plaintiff emailed the defendant, requesting payment of the monies owed be made in accordance with the agreement.
7. On 22 February 2007 the defendant emailed the plaintiff advising that the defendant was getting the funds together and waiting for a bank account to be set up.
8. In breach of the agreement, the defendant had failed to pay and continues to refuse to pay the amount owed, being \$1,650.00.

The plaintiff claims relief as follows:

- a) \$1,650.00 (inclusive of GST) being damages for breach of contract.
- b) Interest in the sum of \$44.30 and continuing, pursuant to s 100 of the Civil Procedure Act 2005;
- c) Any liability the plaintiff may incur as a result of the Goods and Services Tax and
- d) Costs.

**SIGNATURE**

Signature   
Name **Lisa Paraska**  
Capacity Solicitor for plaintiff  
Date **30 May 2007**

**CERTIFICATE – SECTION 347 OF THE LEGAL PROFESSION ACT 2004**

I certify that there are reasonable grounds for believing on the basis of provable facts and a reasonably arguable view of the law that the claim for damages in these proceedings has reasonable prospects of success.

Signature   
Name Lisa Paraska  
Capacity Solicitor  
Date 30 May 2007

## **PARTY DETAILS**

### **PLAINTIFF[S]**

#### **[First] plaintiff**

Family name OR company name On Line Marketing (Australia) Pty Limited  
Given names OR ACN ACN 083 640 055  
Address 10/2A Herbert Street, St Leonards NSW 2065

### **PLAINTIFF'S[S'] REPRESENTATIVE**

#### **Solicitor on the record**

Name Lisa Paraska  
Practising certificate number 44028  
Firm Youth & Enterprise Legal Centre  
Address PO Box 100, Blakehurst NSW 2221  
Telephone 1300 136 921  
Fax 02 9764 5866  
Agrees to electronic service No

### **DEFENDANT[S]**

#### **[First] defendant**

Family name OR company name AquaSkipper Australia Pty Limited  
Given names OR ACN ACN 123 886 859  
Address 1 Junction Street, Strathfield South NSW 2136

[On separate page]

## HOW TO RESPOND

You can respond by:

- Agreeing to the claim
- Filing a defence and/or making a cross-claim against the plaintiff
- If money is being claimed, paying the plaintiff all of the money and any interest claimed
- If money is being claimed, signing an agreement with the plaintiff to pay the money.

You can get further information about the forms you need to file to respond to this statement of claim from:

- The registry
- A legal practitioner
- LawAccess NSW on 1300 888 529 or at [www.lawaccess.nsw.gov.au](http://www.lawaccess.nsw.gov.au).

## NOTICE TO DEFENDANT

You will be in default, if you do not file a defence within 28 days of being served with this statement of claim. The court may enter judgment against you without any further notice to you. The judgment may be for the relief sought in the statement of claim and for the plaintiff's costs for bringing these proceedings.

## REGISTRY ADDRESS

Street address            7-9, Belmore St, Burwood 2134

Postal address

Telephone                (02) 9744-4044