

**IN THE SUPREME COURT
OF THE REPUBLIC OF VANUATU**
(Civil Jurisdiction)

**Civil
Case No. 13/195 SC/CIVL**

BETWEEN: Alan Davidson
Claimant

AND: The Republic of Vanuatu
Defendant

Date of Conference: Thursday 3 March 2016 at 8.30 am

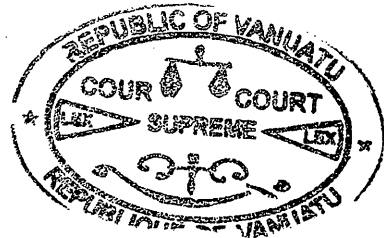
Before: Justice Aru

In Attendance: Claimant- (no-appearance)

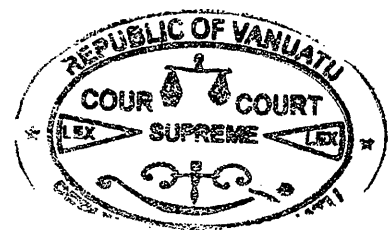
Mr. L. Huri for the Defendant

DECISION

1. The Applicant/Defendant applies to have the matter struck out pursuant to Rule 9.10 (1) a) on the basis that the Claimant has not taken steps to ensure the proceedings continue.
2. The Application was filed by the Solicitor General on 1 March 2016 with a sworn statement of Mr. Huri in support.
3. The grounds advanced in support of the Application are as set in Mr. Huri's sworn statement at paragraph 4 to 11 as follows:-



4. *This matter was listed for trial on 29 and 30 September 2015 at 9.00 am. A copy of the Court's order is attached and marked "LH1".*
 5. *On 21 September 2015, Mr. Dane Thornburgh of Thornburgh Lawyers acting for the Claimant filed a Notice of Ceasing to Act ('Notice'). A copy of the Notice is attached and marked "LH2".*
 6. *On 25 September 2015, Mr. Robert Sugden of Sugden Lawyers filed a Notice of Beginning to Act ('Notice') for the Claimant. A copy of the Notice is attached and marked "LH3" is a true copy of the Notice.*
 7. *On 9 October 2015, Mr. Sugden filed a Notice of Ceasing to Act for the Claimant. Attached and marked "LH4".*
 8. *Since 9 October 2015, the Claimant failed to inform the Court of his position in relation to finding another counsel to represent him in Court.*
 9. *At the conference on 1 December 2015, the Claimant was not present at that time and I asked for an adjournment to give him enough time to find another counsel. A copy of the Court's order is attached and marked "LH5".*
 10. *At the conference on 24 February 2016, there was no appearance by the Claimant or any counsel on his behalf. A copy of the Court's order is attached and marked "LH6".*
 11. *The Claimant has failed to take the necessary steps in this proceeding that are required by the Rules to ensure the proceeding continues."*
4. Having heard counsel and after considering the papers filed I make the following orders.



5. The Claim is hereby struck out.

6. The Defendant is entitled to costs to be paid by the Claimant as agreed or to be taxed.

DATED at Port Vila this 3rd day of March, 2016

BY THE COURT

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D. ARU
Judge

