

ROYAL COURT
(Samedi Division)

141,

20th July, 1995

P.R. Le Cras, Esq., Lieutenant Bailiff,
and Jurats Blampied and Le Ruez

Between:	Pacific Investments Limited	Plaintiff
And:	Robert Christensen	First Defendant
And:	Alison Mary Holland	Second Defendant
And:	Michael Allardice	Third Defendant
And:	Graeme Elliott	Fourth Defendant
And:	Firmandale Investments Limited	Fifth Defendant
And:	James Hardie Industries Limited	Sixth Defendant
And:	James Hardie Finance Limited	Seventh Defendant
And:	Govett American Endeavour Fund Limited	Eighth Defendant

Applications:

- (1) by the First, Fourth, and Eighth Defendants for:
 - (a) an Order setting aside the Order of the Judicial Greffier of 27th June, 1995, refusing an extension of the time allowed for filing an Answer; and
 - (b) for an extension of the said time;
- (2) by the Second and Third Defendants for an extension of time allowed for filing an Answer; and
- (3) by the Fifth Defendant:
 - (a) for leave to appeal out of time against the said Order of the Judicial Greffier of 27th June, 1995; and
 - (b) for an Order setting aside the said Order of the Judicial Greffier of 27th June, 1995; and
 - (c) for an extension of time allowed for filing an Answer.

Advocate J.G. White for the Plaintiff.
Advocate W.J. Bailhache for the First, Fourth and
Eighth, and for the Second and Third Defendants.
Advocate A.D. Hoy for the Fifth Defendant.
The Sixth and Seventh Defendants did not appear
and were not represented.

JUDGMENT

THE LIEUTENANT BAILIFF: This is an appeal from an Order of the
Judicial Greffier of 27th June, 1995, finding that an Answer must
be filed by the First, Fourth, Eighth and Fifth Defendants by 28th
July, 1995, accompanied by a summons by the First, Second, Third,
5 Fourth and Eighth Defendants that the period be extended to 5.00
p.m. on 31st August, 1995. There is an application to appeal out
of time and to join the other applicants by the Fifth Defendant.

10 The jurisdiction of the Royal Court in dealing with such
appeals is well-established. The request, therefore, is for a
five week extension, or thereabouts, in putting in an Answer, a
delay of some weeks beyond normal time having already been
granted.

15 The Plaintiffs claim they are entitled to an Answer and in
addition they wish to have the proceedings heard as a matter of
urgency.

20 Proceedings have already been started in the United States of
America and a whole series of summonses is due to be heard in the
Royal Court next month, including, we understand, an application
to strike out and another to stay, as well as the Plaintiffs'
summons to have the case heard as *Cause de Brièvieté*. However
desirable it is the time limit should be carefully respected - and
25 there is no doubt as to the Court's attitude in this regard -
nonetheless, in this particular case, we think, first that these
proceedings are so complicated that it is in the interests of all
the parties and of justice that proper consideration be given to
the pleadings, not least on account of the very large number of
30 documents and of the numerous difficult issues which are clearly
involved.

35 Furthermore, given the multiplicity of summonses which may
make the urgent filing of an Answer unnecessary, we cannot think
that the delay of four weeks to the 31st August, 1995, will cause
any real prejudice to the Plaintiffs.

As for the fifth Defendant's application in which counsel claim to have misread the rules, this application stands or falls with those of Mr. Bailhache's clients and is therefore granted.

5 The time for filing Answers by those who have brought the summonses is therefore extended to close of business, 5.00 p.m. on 31st August, 1995.

10 The Judicial Greffier's Order is reversed and Mr. Bailhache is entitled to his taxed costs here and below. The Fifth Defendant's costs will be in the cause. We refuse leave to appeal, Mr. White.

Authorities

Heseltine & Ors. v. Egglshaw & Ors. (1989) JLR 1.

A.C. Gallie Ltd v. Davies & Walker (14th April, 1986) Jersey
Unreported CofA; (1985-86) JLR N.2.

Hickman v. Hickman (1987-88) JLR 602 CofA.

Costellow v. Somerset County Council (1993) 1 WLR 256.

Channel Islands & International Law Trust v. Pike & Ors. (8th
March, 1990) Jersey Unreported; (1990) JLR N.12.

Williams & Glyn's v. Astro Dinamico (1984) 1 All ER 760.