

HIGH COURT OF AUSTRALIA

GAUDRON J

IN THE MATTER OF AN APPLICATION BY
DENNIS VALASSIS FOR LEAVE
TO ISSUE A PROCEEDING

Re Valassis's Application
[2002] HCA 40
23 September 2002
S188/2002

ORDER

The application to issue process is refused.

Notice: This copy of the Court's Reasons for Judgment is subject to formal revision prior to publication in the Commonwealth Law Reports.

1 GAUDRON J. An application by Mr Valassis for special leave to appeal from a decision and orders of the Court of Appeal of the Supreme Court of New South Wales refusing him leave to appeal from a decision and orders of Simpson J made on 12 May 2000 was dismissed by this Court on 23 November 2001¹. Mr Valassis now seeks leave to issue a Notice of Motion to have that application for special leave reconsidered.

2 By Order 1 of Orders of 12 May 2000, Simpson J ordered that the applicant not initiate any legal proceedings against M D Nikolaidis & Co and not continue any proceedings already instituted against that firm without leave of the Supreme Court. It was that Order and the circumstances leading to its making that was the focus of oral argument put by Mr Valassis in support of his application for special leave to appeal. In particular, the argument highlighted that M D Nikolaidis had sought to recover \$3,971.00 by way of costs whereas the amount owing, after credit was allowed for \$1,888.42, was only \$2,082.58 and the steps thereafter taken by Mr Valassis to have the position rectified.

3 It is clear from the Notice of Motion which Mr Valassis seeks to issue and his Affidavit in support of the Notice of Motion that Mr Valassis wishes to agitate precisely the same issues, including the failure of M D Nikolaidis to give credit for the amount of \$1,888.42, as were previously raised by him in support of his application for special leave to appeal and were fully considered by the Court on 23 November 2001. That being so, there is no proper basis for reconsideration of his special leave application.

4 The application to issue process is refused.

1 *Valassis v M D Nikolaidis & Co Solicitors* unreported, New South Wales Court of Appeal, 14 December 2000.