

BIDDLE
v
MIELE AUSTRALIA PTY LTD & ORS

*IN THE MATTER OF AN APPLICATION BY ADRIAN BIDDLE FOR LEAVE
TO ISSUE OR FILE
[2026] HCADisp 22
M83/2025
M12/2026*

M83/2025

1 The applicant seeks special leave to appeal from a decision of the Court of Appeal of the Supreme Court of Victoria (Beach JA) which refused an application for leave to appeal from a decision of the Supreme Court of Victoria (O'Meara J) which, in turn, dismissed the applicant's application under s 29 of the *Civil Procedure Act 2010* (Vic) for orders against the respondents for alleged breaches of overarching obligations in the *Civil Procedure Act*.

2 The applicant also filed a Form 21 application seeking ten interlocutory orders, some of which concern the manner of hearing the interlocutory application and the application for special leave to appeal. In circumstances in which the disposition of this application is clear, none of the interlocutory orders should be made and the Form 21 application should be refused.

3 The proposed appeal does not involve a question of law of public importance and has no prospects of success. Special leave to appeal is refused.

M12/2026

4 Following a direction made by Gleeson J on 30 January 2026, pursuant to r 6.07.2 of the *High Court Rules 2004* (Cth) that the Registrar not accept for filing, without prior leave, a proposed Form 12 application for a constitutional or other writ, the applicant has also filed an ex parte application for leave to file that Form 12 application for a constitutional or other writ, seeking relief including the deferral of the determination of the special leave application referred to above, supported by an affidavit dated 3 February 2026, and a second affidavit dated 4 February 2026. That ex parte application is vexatious and an abuse of process¹ and should be refused.

¹ *Re Young* (2020) 94 ALJR 448 at 451 [10]-[13]; 376 ALR 567 at 570.

5 The application for leave to file that Form 12 application is refused.

Gordon J
Beech-Jones J

5 February 2026