

by the Defendants on the 15th April 1981 indicated a credit balance due to him of some £40,000. Thereafter the Defendants duly filed a detailed seven page account of their financial dealings with the Plaintiff verified by Affidavit of the Third Defendant dated the 22nd June 1981 showing a sum due from the Plaintiff of £1109.95. On the 10th July 1981 the parties were ordered to serve Lists of Documents within two months with which the Defendants complied and on the 4th February 1982 a peremptory order was made that the Plaintiff serve his List of Documents within fifty-six days failing which the action be struck out and that the Plaintiff pay the Defendants' costs of the action. An Application by the Plaintiff to serve his List of Documents out of time was dismissed with costs on the 27th April 1982 and accordingly that action by the Plaintiff stands dismissed. The Defendants' costs estimated at £1500/£2000 have yet to be taxed and paid by the Plaintiff.

6. It is submitted that in the present action the Plaintiff is attempting to litigate again over an identical question raised in his earlier action and that the present action should be struck out as an abuse of the process of the Court.

SWORN by the said JOHN ESSERY ELLIS)
at Liverpool in the Metropolitan)
County of Merseyside this 16th)
day of SEPTEMBER 1982)
Before me,

J. E. ELLIS

J. L. TETLOW

Commissioner for Oaths/Solicitor