

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

Civil Case No. 99 of 2009

BETWEEN: DELAUNAY ARNAUD and HELENE
Claimants

AND: THI TAM GOISET
Defendant

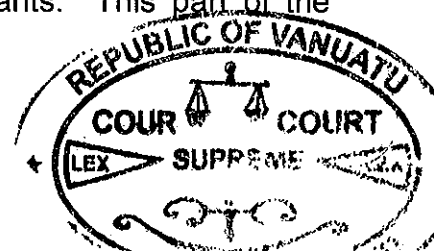
AND: MR. JEAN GOISET
First Interested Party

AND: WESTPAC BANKING CORPORATION
Second Interested Party

Claimants: Mrs. M. N. Patterson
Defendant: No appearance (Mr. R. Warsal)
1st Int Party: Mr. J. Boe
2nd Int Party: Mr. M. Hurley

DECISION

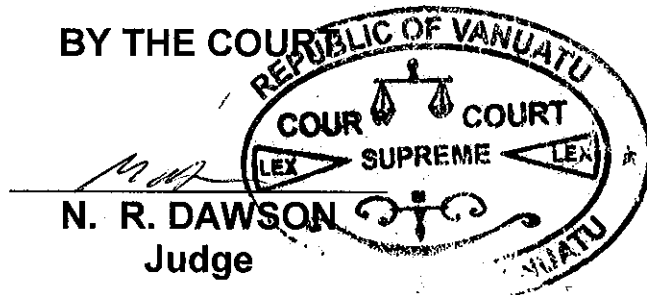
1. An Application for Third Party Disclosure dated 29th October, 2010 has been heard today. Counsel for the Third Party, Mr. J. Boe for Mr. J. Goiset, confirms that the Application is not opposed insofar as it applies to the personal bank accounts of the Defendant, Mrs. T.T. Goiset, the joint bank accounts and the business bank accounts of the Defendant and Third Party. To that extent, this Application is granted.
2. Disclosure of the personal accounts of the Third Party is opposed. The Claimant has not been able to show any chain of events that would link the personal bank accounts of the Third Party to this claim. It has been shown that money has been paid from the Claimants to the Defendant and it was lodged on a joint account of the Defendant and Third Party. There has not been shown any nexus between the joint account and the Third Party's personal bank accounts. There is therefore no justification in requiring the Third Party to disclose his personal affairs, insofar as they appear in his personal bank accounts, to the Claimants. This part of the Application is therefore declined.



3. The Application is therefore granted as per paragraphs 1 and 2 of the Application (but not as to paragraph 3 which refers to Mr. J. Goiset's own accounts).
4. The Claimant is to meet the bank's usual and ordinary fees upon disclosure of information as per these orders.
5. The Application has been partly successful only and it is appropriate for costs to lie where they fall in respect of this Application.

Dated at Port Vila, this 16th day of November, 2010

BY THE COURT



N. R. DAWSON
Judge