

Form 2.37 Notice of discontinuance or withdrawal

Court Procedures Rules 2006

(see r 1160 (Discontinuance or withdrawal by plaintiff), r 1165 (Notice of discontinuance or withdrawal) and r 1166 (Discontinuance or withdrawal by party representing someone else etc))

In the *[Supreme/Magistrates] Court of the Australian Capital Territory

No *[SC/MC] of (*year*)

(*name*)
Plaintiff

(*name*)
Defendant

Take notice that the plaintiff *[discontinues the proceeding against the *[first] defendant/withdraws the part of the proceeding against the *[first] defendant by which the plaintiff claims (*state relief to be withdrawn*)].

The plaintiff certifies that the plaintiff does not represent any other person in the proceeding.

Note If a party does represent someone else in a proceeding, the party may discontinue the proceeding, or withdraw part of it, only with the court's leave (see r 1166 (Discontinuance or withdrawal by party representing someone else etc)).

Filed on behalf of the plaintiff by:
(*the plaintiff's address for service and telephone number (if any) or, if the plaintiff is represented by a solicitor and the solicitor is the agent of another solicitor, the name and place of business of the other solicitor*)

Date:

(signature of plaintiff/plaintiff's solicitor)

(name of plaintiff/plaintiff's solicitor)

To the *[defendant/defendant's solicitor]:

*** Agreement of defendant to *[discontinuance/withdrawal]**

*[I, *(name of defendant)*, agree/The defendant, *(name of defendant)*, agrees] to
*[the discontinuance of the proceeding/the withdrawal of the part of the
proceeding stated by the plaintiff in this notice].

Date:

(signature of defendant/defendant's solicitor)

(name of defendant/defendant's solicitor)

Note A plaintiff may discontinue a proceeding, or withdraw part of it, at any time before a certificate of readiness is filed, the court directs that the proceeding be given a listing hearing or the court sets a hearing date for the proceeding (see r 1160 (1) (Discontinuance or withdrawal by plaintiff). If a certificate of readiness has been filed, the court has directed that the proceeding be given a listing hearing or a hearing date has been set for the proceeding, or there is more than 1 plaintiff or a counterclaim against a plaintiff, the plaintiff may discontinue the proceeding, or withdraw part of it, only with the court's leave or the agreement of the other active parties (see r 1160 (2) and (3)).

**omit if, or whichever is, inapplicable*