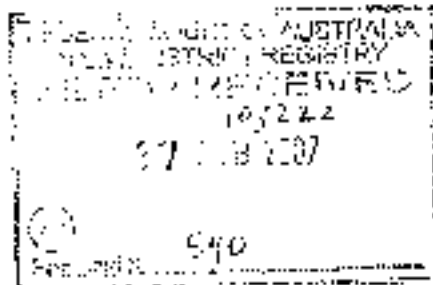


IN THE FEDERAL COURT OF AUSTRALIA)
NEW SOUTH WALES DISTRICT REGISTRY)

No. NSD2490 of 2006

BETWEEN



DAVID JONES LIMITED
ACN 000 074 573
Applicant

THE AUSTRALIA INSTITUTE LIMITED
ACN 061 969 284
First Respondent

CLIVE HAMILTON
Second Respondent

NOTICE OF MOTION

The first and second respondents will at 10.15 am on **22 March 2007**
at Law Courts Building, Queens Square, Sydney move the Court for:

- 1 An order under Order 29 Rule 2(a) of the Federal Court Rules that the following question be decided separately from and in advance of the hearing of the other issues in the proceedings:

"Whether the conduct of the First Respondent in making the media releases complained of in the Statement of Claim was in trade or commerce within the meaning of s52 Trade Practices Act 1974 (Cth)"

- 2 Such further or other order as the Court deems fit.
- 3 An order reserving costs.

Date: **22** February 2007


.....
ARCHIBALD ADRIAN HOWIE
Solicitor for the first and second respondents

To: David Jones Limited, applicant

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SYDNEY NSW 2000

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