

## AFFIDAVIT OF GARY SMITH 15 JANUARY 20XX

### COURT DETAILS

Court Local Court of NSW  
#Division  
#List  
Registry Waverley  
Case number 20XX/000000001

### TITLE OF PROCEEDINGS

Applicant Elizabeth Smith  
Defendant Gary Smith  
#Second defendant #Number  
of defendants (if more than  
two)

### FILING DETAILS

Filed for Gary Smith, Defendant  
#Filed in relation to 20XX/000000001  
#Legal representative  
#Legal representative  
reference  
Contact name and telephone Elizabeth Smith Ph: 04XX XXX XXX  
Contact email garys@fmail.com.au

[on separate page]

## AFFIDAVIT

Name Gary Smith  
Address 47 Wensleydale Avenue, Greenacre NSW 2190  
Occupation Unemployed  
Date 15 January 20XX

I say on oath:

- 1 I am the Defendant in this matter.
- 2 This matter is listed for hearing on 20 January 20XX.
- 3 On 14 January 20XX, I filed a subpoena for production for PhonePlus Pty Ltd with Waverley Local Court. This was granted but the last date of service to comply was listed for 12 January 20XX. Attached and marked "A" is a copy of that subpoena
- 4 I would request that short service of the subpoena be granted as the evidence contained in that material is relevant to the defence case and is also referred to in the statement of the Applicant dated 1 October 20XX.
- 5 I believe it is in the interests of justice that the subpoena be listed for short service as the material contained therein, if not obtained, would prejudice the defendant's case.
- 6 I request the court make the orders sought in the Summons.

SWORN at Sydney

Signature of deponent G. Smith

Name of witness Sam Lim

Address of witness 536 Bridge Street, Sydney NSW 2000

Capacity of witness Justice of the peace

And as a witness, I certify the following matters concerning the person who made this affidavit (the **deponent**):

1 I saw the face of the deponent.

~~#I did not see the face of the deponent because the deponent was wearing a face covering, but I am satisfied that the deponent had a special justification for not removing the covering.<sup>1</sup>~~

2 ~~#I have known the deponent for at least 12 months.~~

I have confirmed the deponent's identity using the following identification document:

Driver's Licence

Identification document relied on (may be original or certified copy)<sup>2</sup>

Signature of witness S. Lim

Note: The deponent and witness must sign each page of the affidavit. See UCPR 35.7B.

[<sup>1</sup> The only "special justification" for not removing a face covering is a legitimate medical reason (at April 2012).]

[<sup>2</sup> "Identification documents" include current driver licence, proof of age card, Medicare card, credit card, Centrelink pension card, Veterans Affairs entitlement card, student identity card, citizenship certificate, birth certificate, passport or see [Oaths Regulation 2011](#) or refer to the guidelines in the NSW Department of Attorney General and Justice's "[Justices of the Peace Handbook](#)" section 2.3 "Witnessing an affidavit" at the following address: <http://www.jp.nsw.gov.au/Documents/jp%20handbook%202014.pdf> ]