

To be inserted by Court

Case Number:

Date Filed:

FDN:

FORMAL OFFER

[*SUPREME/DISTRICT/MAGISTRATES*] Delete all but one COURT OF SOUTH AUSTRALIA

[*COURT OF APPEAL*] If applicable

CIVIL JURISDICTION

[*MINOR CIVIL*] If applicable

[*NAME OF LIST*] LIST If applicable

Please specify the Full Name including capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable) for party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent

First Interested Party

Lodging Party	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))	
Name of law firm / solicitor If any	Law Firm	Solicitor

Formal Offer

Mark appropriate sections below with an 'x'

1. Offer made by the following parties ('the Offeror')
List the Party title and names

to the following parties ('the Offeree')
List the Party title and names

(collectively 'the parties').

2. Offer to

settle the entire matter (all claims between the parties).

settle only the

claim

counterclaim

third party claim

contribution notice

appeal

- cross appeal
- notice of alternative contention
- other [*specify*]
between the parties.

- settle part only of the
 - claim
 - counterclaim
 - third party claim
 - contribution notice
 - appeal
 - cross appeal
 - notice of alternative contention
 - other [*specify*]between the parties, namely
Claim offered to be settled by reference to pleading or otherwise

Offer basis

3. This offer is
- without prejudice save as to costs.
 - an open offer.
 - other [*specify basis*].

Offer type

4. This offer is a
- judgment offer.
 - contract offer.
 - hybrid offer.

Terms of Offer

5. The Offeror offers to
- consent to judgment
 - enter into an agreement
 - consent to judgment and enter into an agreement
- on the following terms:
Terms of judgment that would be entered/agreement that would be entered into if offer accepted in numbered paragraphs
- 1.

6. The offer is made on the terms that the
- judgment
 - agreement
 - judgment and agreement
- include the following term as to costs:
- the Offeree pay the costs of the Offeror
 - on a standard costs basis in respect of the period :
 - on a solicitor/ client basis in respect of the period :
 - on an indemnity basis in respect of the period :
 - in the fixed amount of \$[*amount*]
 - the Offeror pay the costs of the Offeree
 - on a standard costs basis in respect of the period:
 - on a solicitor/ client basis in respect of the period:
 - on an indemnity basis in respect of the period :
 - in the fixed amount of \$[*amount*]
 - the Offeror will submit to any order the Court may make in the exercise of its discretion.
 - there be no order as to costs.
 - [*specify other term*]

If applicable

7. The offer is subject to the following conditions:

Conditions in numbered paragraphs

1.

Expiry of offer

8. This offer expires:

[] [*date or method by which expiry date is to be ascertained*]

[] if and when withdrawn.

and in any event unless the Court otherwise orders will expire 7 clear calendar days before the first day of trial.

.....
Signature of party / solicitor (if represented)

.....
Name printed

.....
Date

Note to Parties

The offer must be either a judgment offer or a contract offer: see rule 132.4(1).

If the offer is intended to be a “relevant offer” within the meaning of rule 132.10(1), it must comply with the definition of that term contained therein: see rule 132.10.

Service

The party filing this document is required to serve this document on all other parties in accordance with the Rules of Court.

Note to Offeree

If you do not wish to accept this offer but wish to make a counter offer, you are required to file and serve your own Formal Offer.