

Form 59
Rule 29.02(1)

Affidavit

No. _____ of 20

Federal Court of Australia
District Registry: Victoria
Division: General

JAN MAREK KANT

Applicant

CHIEF JUSTICE, SUPREME COURT OF VICTORIA

Respondent

Affidavit of: **Jan Marek Kant**
Address: 3/33 Bewdley Street, Ormond VIC 3204
Occupation: litigant
Date: 22 July 2024

I, Jan Marek Kant of 3/33 Bewdley Street, litigant, affirm:

1. I am the Applicant.
2. On 22 May 2024, I received a *Refusal* document by email from the Supreme Court of Victoria. A true reproduction of the *Refusal* document is annexed to this affidavit and labelled "JMK-1".

Affirmed by the deponent
at Melbourne
in Victoria
on 22 July 2024

Before me: **Virginia Yip**
Deputy Registrar
Magistrates' Court of Victoria

Signature of witness

Signature of deponent

Filed on behalf of (name & role of party) Jan Marek Kant, Applicant
Prepared by (name of person/lawyer) Jan Marek Kant
Law firm (if applicable) _____
Tel 0450 827 208 Fax _____
Email jmjarosz01@gmail.com
Address for service 3/33 Bewdley Street, Ormond VIC 3204
(include state and postcode)

Exhibit "JMK-1"

No. of 20

Federal Court of Australia
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This is the exhibit "**JMK-1**" now produced and shown to Jan Marek Kant at the time of affirming his affidavit.

Virginia Yip
~~Deputy~~ Registrar
Magistrates' Court of Victoria

Signature of witness

IN THE SUPREME COURT OF VICTORIA AT MELBOURNE
COMMON LAW DIVISION

S ECI 2024 02514
S ECI 2024 02516
S ECI 2024 02517

IN THE MATTER of a proposed proceeding

B E T W E E N:

Jan Kant

Applicant

- and -

Various Proposed Respondents

REFUSAL

OFFICER:

R Ratcliffe
Prothonotary

DATE MADE:

21 May 2024

SUBJECT:

Applications by the proposed plaintiff filed in April 2024 and reviewed pursuant to Rule 28A.04(2) of the Supreme Court (General Civil Procedure) Rules 2015.

Upon reading and assessing the proposed document/s of the applicant, the Prothonotary has rejected the documents and refused to seal them because, if sealed, they would be substantially irregular.

Reasons for refusal

1. Between the 22nd April 2024 and 26th April 2024 Mr Jan Kant lodged three proposed proceedings on Redcrest, which is the electronic filing system of the Supreme Court of Victoria. Each of the three proposed proceedings is in the form of a Writ and are analysed separately as follows.
2. Mr Kant has previously had two proceedings issued and no fewer than five proposed proceedings refused by the Prothonotary. Of the proceedings that were issued, one has been discontinued (S ECI 2023 04342) and the other, which is an application for discovery



under Order 32, remains on foot.
 Kant vs State of Victoria

The text of the entire indorsement of claim reads:

“Indorsement of claim

1. The Supreme Court of Victoria refuses to hear matters brought by the Plaintiff.
2. The Supreme Court of Victoria denies Justice or Right to the Plaintiff contrarily to Magna Carta 1297 and the Constitution.
3. The Supreme Court of Victoria acts in secret contrarily to *Observance of Due Process of Law Act 1368* and the Constitution.
4. The Plaintiff claims damages, including aggravated and exemplary damages.
5. The Plaintiff claims relief in form of orders ensuring the unlimited dissemination of information about the proceeding.
6. The Plaintiff claims relief in form of orders causing the publication of information about the proceeding.”
7. Mr Kant states in the proposed Writ that the Supreme Court refuses to hear matters brought by him. He provides no detail or context for what he is referring to. He cites the Magna Carta 1297, the Constitution, and the Observance of Due Process of Law Act 1368 as being pertinent for reasons which are unclear. He seeks damages and other forms of relief against the State of Victoria for reasons which are also unclear and unexplained.
8. The proposed filing is not well drafted or supported by basic information. It lacks any cogent detail to the point that the defendant could not be expected to comprehend why they are being named, what is being sought against them in the proposed commencing document or why. There is no identifiable cause of action.
9. The first writ against the State of Victoria is refused.

Kant vs “Commonwealth”

10. The entire indorsement of claim reads:

‘INDORSEMENT OF CLAIM

1. Division 104 Criminal Code is illegal.
2. National Security Information (Criminal and Civil Proceedings) Act 2004 is illegal.
3. The Plaintiff claims a Writ of Habeas Corpus upon demand in review of conduct that was engaged in, and/or is being engaged in, in the exercise of judicial power.
4. The Plaintiff claims trebble [sic] damages.
5. The Plaintiff claims exemplary damages.’.

Reason for refusal



11. It is assumed that reference to 'The Commonwealth' as a defendant to the proposed Writ is meant to be Commonwealth of Australia. Mr Kant provides no basis for his assertion that this court has a power to declare legislation of the Parliament of Australia 'illegal.'
12. An application for the issue for a Habeas Corpus is, per the *Supreme Court (General Civil Procedure) Rules 2015*, made in accordance with Order 57 and not by the form or process Mr Kant has drafted here. Reference to 'trebble' and 'exemplary' damages is lacking in context and detail and, again, the defendant could not be expected to comprehend what is being sought or why.
13. Accordingly, the second writ is refused.

Kant vs The Crown

14. The text of the writ reads as follows:

"INDORSEMENT OF CLAIM

1. The Defendant produced false materials, including false legal materials, to the Plaintiff.
 2. False information about the law caused interference with attempt by the Plaintiff to redress unlawful restraints of his liberty.
 3. The State of Victoria and the Commonwealth act in concert.
 4. The Plaintiff claims trebble [sic] damages.
 5. The Plaintiff claims exemplary damages."
15. It is completely unclear and unexplained how Mr Kant seeks to invoke the jurisdiction of this court in this proposed proceeding. What are the false materials? What is the State of Victoria and the Commonwealth said to act in concert in relation to? It is not even clear what is meant by "The Crown". This is highly irregular.

Conclusion

16. None of the three proposed filing that have been the subject of this refusal are capable of being sealed for the reasons above. Whilst a narrow, well drafted commencing document could bring to light a kernel of a justiciable claim, these proposed filings are not that.
17. Individually and/or collectively, and for the reasons outlined above, the proposed three filings are substantially irregular and would be substantially irregular. I decline to seal each pursuant to r28A.04(2) of the *Supreme Court (General Civil Procedure) Rules 2015*.



R. Ratt.

PROTHONOTARY

