

IN THE HIGH COURT OF NEW ZEALAND
WHANGAREI REGISTRY

CIV 2013 -488- 152

~~CIV 2013-404-000~~

IN THE MATTER

of an application for judicial review under Part I the
Judicature Amendment Act 1972

BETWEEN

MANGAWHAI RATEPAYERS AND
RESIDENTS ASSOCIATION, an incorporated
society having its registered office at 29 Alamar
Crescent, Mangawhai Heads Northland 0505

Applicant

AND

KAIPARA DISTRICT COUNCIL, a local
authority constituted pursuant to the provisions of the
Local Government Act 2002 having its principal
office at 42 Hokianga Road, Dargaville

Respondent

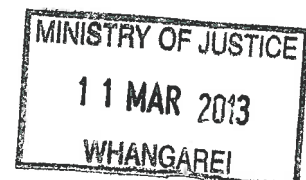
NOTICE OF PROCEEDING ON APPLICATION FOR JUDICIAL REVIEW

Solicitor Acting:

P J Kennelly
P O Box 607
Orewa
Ph: 09 426 8301
Fax: 09 426 8302
Email: kennelly@kennellylaw.co.nz

Counsel Instructed:

Dr M S R Palmer K R M Littlejohn
Thorndon Chambers Quay Chambers
PO Box 1530 P O Box 106 215
Wellington 6140 Auckland 1143
Ph: 04 460 0741 09 374 1669
Fax: 04 499 6118 09 377 5071
Emails: Matthew.Palmer@chambers.co.nz
littlejohn@quaychambers.co.nz



TO: The Respondent

This document notifies you that you must file in this registry of the court a statement of defence to the applicant's claim (a copy of which is served with this notice). You must do this within 25 working days after the date on which you have been served with this notice. If you do not, the applicant may at once proceed to judgment on the applicant's claim, and judgment may be given in your absence.

If a trial of the proceeding is necessary, it will be held in this court at Whangarei at a time to be fixed by the court.

Date: 11 March 2013


P J Kennedy
Solicitor for the Applicant

If you file a statement of defence in the court, you must also provide the applicant with initial disclosure of documents in accordance with rule 8.4.

If you file a statement of defence in the court, you will be notified of the date and time of the first case management conference.

The purpose of the conference is to assist the parties in the just, speedy, and inexpensive determination of the proceeding, to make directions as to the conduct of the proceeding, and, where practicable, to make interlocutory orders. The parties will also be assisted to identify, define, and refine the issues in dispute.

You must prepare for and attend the first case management conference. You will be expected to have discussed with the applicant the matters set out in Schedule 5 of the High Court Rules. You or your solicitor must file a memorandum relating to the procedural matters set out in rule 7.3 of the High Court Rules.

Date: 13 March 2013


(Registrar/Deputy Registrar)

Paul Lincoln
Deputy Registrar
High/District Court
Whangarei/Kaitiaki/Dargaville

Note: Please carefully read the memorandum attached to this notice.

MEMORANDUM

Advice

1. Although you do not have to employ a solicitor for the purpose of this proceeding, it is recommended that you consult a solicitor about this matter immediately. However, a company or other corporation that wants to defend this proceeding or appear at any hearing must consult a solicitor immediately because—
 - (a) it can only carry on a proceeding in the court by a solicitor; and
 - (b) it cannot appear to conduct a proceeding except by counsel (unless there are exceptional circumstances).

Legal aid

2. If you cannot afford to meet the cost of the proceeding, you may be entitled to assistance under the Legal Services Act 2000 and regulations made under that Act.
3. The applicant is not in receipt of legal aid for the purpose of this proceeding.

Statement of defence

4. If the last day for filing your statement of defence falls on a day on which the registry of the court is closed, you may file your statement of defence on the next day on which that registry is open.
5. In calculating the time for filing your statement of defence you must disregard the period that commences with 25 December and ends with 15 January.
6. If you file a statement of defence, you must serve a copy of it on the applicant and on any other respondent who has given an address for service. This must be done within the same period of time you have for filing the statement of defence.

Counterclaim

7. If you have a counterclaim against the applicant, you must file a statement of that counterclaim in the registry of the court, and serve it on the applicant and on any other person against whom the same claim is made. This must be done within the same period of time you have for filing a statement of defence.

Witnesses

8. Summonses for the attendance of witnesses will be issued on application at the registry of the court.

Registry hours

9. The registry hours of the court are from 9 am to 5 pm, except on court holidays.

Date: 13 March 2013

Signature: 

(Registrar/Deputy Registrar)

Paul Lincoln
Deputy Registrar
High/District Court
Whangarei/Kaitiaki/Dargaville