

In the High Court of New Zealand
Auckland Registry

CIV-2019-404- 2810

I Te Kōti Matua O Aotearoa
Tāmaki Makaurau Rohe

Under the Judicial Review Procedure Act 2016

In The Matter of Section 159 Local Government (Auckland Transitional Provisions) Act 2010

Between **Franco Belgiorno-Nettis** of 17a Sanders Avenue, Takapuna, retired mechanical engineer
Plaintiff

And **Auckland Unitary Plan Independent Hearings Panel** a statutory body established under the Local Government (Auckland Transitional Provisions) Act 2010
First Defendant

And **Auckland Council** a statutory body established under the Local Government (Auckland Council) Act 2009 and the Local Government (Auckland Council) Amendment Act 2010
Second Defendant

Notice of proceeding

Date:  2019

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To the defendants

and

To any other person directed to be served.

This document notifies you that you must file in this registry of the court a statement of defence to the plaintiff'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 plaintiff may at once proceed to judgment on the plaintiff'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 Auckland at a time to be fixed by the court.

Dated: 20 December 2019



Stuart Ryan
(Counsel for the plaintiff)

If you file a statement of defence in the court, you must also provide the plaintiff 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 plaintiff 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.

[Include the following paragraph if it applies, otherwise omit]

The court has directed that this notice and the statement of claim be served not only on the defendants but also on the following persons: *[full name, place of residence, and occupation of each person or entity directed to be served]*:

20th June 2019
Date


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(Deputy) Registrar

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 2011 and regulations made under that Act.
3. The plaintiff 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 plaintiff and on any other defendant 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 plaintiff, you must file a statement of that counterclaim in the registry of the court, and serve it on the plaintiff 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 9am to 5pm, except on court holidays.

20th Jan 2019
 Date

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(Deputy) Registrar