

IN THE HIGH COURT OF NEW ZEALAND
DUNEDIN REGISTRY

I TE KŌTI MATUA O AOTEAROA
ŌTEPOTI ROHE

CIV-2021-412-000089

IN THE MATTER of application under the Declaratory Judgments Act
1908

BETWEEN **OTAGO REGIONAL COUNCIL**, a regional council
under Schedule 2 of the Local Government Act
2002
Plaintiff

AND **ROYAL FOREST AND BIRD PROTECTION
SOCIETY OF NEW ZEALAND INCORPORATED**,
an incorporated society having its registered office
at 205 Victoria St, Wellington
Defendant

NOTICE OF PROCEEDINGS

Dated 23 September 2021

ROSS DOWLING MARQUET GRIFFIN
Solicitors
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Solicitor Acting: A J Logan

TMS-266090-1095-248-V2

NOTICE OF PROCEEDINGS

**To Royal Forest and Bird Protection Society of New Zealand
Incorporated and any other person directed to be served**

The following information is for those served by email or courier or responding to the public notice on the Proposed Otago Regional Policy Statement website.

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 20 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 Dunedin on 8 and 9 February 2022.

You can view the statement of claim, notice of proceedings, supporting affidavit and the Court's directions on the ORC website www.orc.govt.nz/rps

Hard copies of the statement of claim, notice of proceedings, supporting affidavit and Court directions can be obtained on request by emailing rps@orc.govt.nz


The Court has directed that a public notice is to be published on two occasions in the Otago Daily Times. The following information is for those who have become aware of this proceeding via the public notice published in the Otago Daily Times.

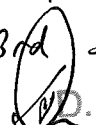
The publication of the notice will be on 27 September 2021 and 4 October 2021.

If you wish to participate in the proceedings you must file in Court and serve on the ORC at the address given at the foot of this notice a statement of defence or notice of appearance and any affidavit on which you wish to rely, 10 working days after the second publication of the public notice in the Otago Daily Times on 4 October 2021 or obtain the leave of the Court to do so later. You must also serve those documents on any other person who has filed in the Court an address for service.

If you do not take any steps ORC may proceed to obtain judgment and judgment may be given in your absence.

Date: 3 September 2021

Signature: 
Solicitor for the plaintiff

Date: 23rd September 2021

D. McMillan
(Registrar/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.

Appearance objecting to jurisdiction of court

- 7 If you object to the jurisdiction of the court to hear and determine this proceeding, you may file in the registry of the court an appearance stating your objection and the grounds for it instead of a statement of defence, and serve a copy of the appearance 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 a statement of defence.
- 8 An appearance is not treated as a submission to the jurisdiction of the court.

Appearance for ancillary purposes

- 9 If you do not oppose the plaintiff's claim but want to be heard on an ancillary matter (including costs), you may, without filing a statement of defence,—
 - (a) file an appearance stating the matters on which you want to be heard; and

- (b) serve a copy of it on the plaintiff and on any other defendant who has given an address for service.
- 10 Those matters will not subsequently be determined except on notice to you.

Appearance reserving rights

- 11 If you do not oppose the plaintiff's claim but want to reserve your rights in the event that another person becomes a party to the proceeding or that a party takes a step in the proceeding that is against your interests, you may, without filing a statement of defence,—
- (a) file an appearance reserving those rights in the registry of the court; and
 - (b) serve a copy of it on the plaintiff and on any other defendant who has given an address for service.
- 12 Subsequently—
- (a) you will be entitled to be served with all documents relevant to the reserved rights that may be filed in the proceeding by a person who is, or may become, a party; and
 - (b) with the leave of the court, you may file and serve a statement of defence and any other document within the time and on the terms and conditions prescribed by the court.

Registry hours

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

Date: 23rd September 2021

Signature:  D. McMillan
(Registrar/Deputy Registrar)