

IN THE DISTRICT COURT
AT CHRISTCHURCH

I TE KŌTI-Ā-ROHE
KI ŌTAUTAHU

CIV-2023-009-

BETWEEN

Body Corporate 463208 a body corporate
created under the Unit Titles Act 2010

First Plaintiff

AND

David Gilbert and Janet Gilbert, M&T Projects Limited, Grant & FI Limited, Mark Frame and Donna Frame as Trustees of the Frame Family Trust, **D Reynolds Electrical Limited, KL Gin, SM Gin and PD Sewell** as Trustees of the Kasagi Trust, **Uni-go NZ Limited, Idle Sands Limited**, as registered proprietors of the units comprised in the development of Body Corporate 463208

Second Plaintiffs

AND

Body Corporate 467074 a body corporate
created under the Unit Titles Act 2010

Third Plaintiff

NOTICE OF PROCEEDING
Dated 25 September 2023

Plaintiffs' Lawyer

P Maciaszek
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Lawyer : Peter Maciaszek
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Counsel Acting

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8/18 Bernard Street, Addington
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Christchurch 8149

Counsel : Richard Johnstone
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To the Defendant, CBC Construction Limited :

This document notifies you that unless, within 25 working days after the date on which you are served with this notice, you file in the registry of this court a statement of your defence to the Plaintiffs' claim (a copy of which is served with this notice), the Plaintiffs may proceed to a hearing and judgment on the Plaintiffs' claim in your absence.

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

Date: 25 September 2023

Signature:

A handwritten signature in blue ink, appearing to read 'P Maciaszek / M Brown', written over a horizontal line.

P Maciaszek / M Brown

Solicitor for the Plaintiffs

Information for Defendant(s)

Advice

1. Although you do not have to employ a lawyer for the purpose of this proceeding, it is recommended that you consult a lawyer about this matter immediately.

A natural person may—

- appear in the proceeding and act for himself or herself; or
- be represented by a lawyer; or
- in special circumstances and with the permission of the court, be represented by an agent authorised in writing under section 107 of the District Court Act 2016.

A corporation may—

- appear and act in the proceeding through an officer of the corporation or a person appointed as the corporation's attorney (either generally or specifically in relation to the proceeding); or
- be represented by a lawyer; or
- in special circumstances and with the permission of the court, be represented by an agent under section 107 of the District Court Act 2016.

Case law indicates that a company or corporation can only carry on proceedings in court by an officer of the company or by a lawyer unless the court gives prior permission in special 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 Plaintiffs are 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 District 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 Plaintiffs 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 Plaintiffs, you must file a statement of that counterclaim in the registry of the court, and serve it on the Plaintiffs and on any other person against whom the same claim is made. This first 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:

Signature:

(Registrar/Deputy Registrar)