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IN THE HIGH COURT OF NEW ZEALAND  
AUCKLAND REGISTRY

I TE KŌTI MATUA O AOTEAROA  
TĀMAKI MAKAURAU ROHE

CIV-2019-404-2682

**UNDER THE**                      Judicial Review Procedure Act 2016

**BETWEEN**                      **AVERIL ROSEMARY NORMAN and WARWICK  
BRUCE NORMAN**

**Applicants**

**AND**                                **TŪPUNA MAUNGA O TĀMAKI MAKAURAU  
AUTHORITY**

**First Respondent**

**AND**                                **AUCKLAND COUNCIL**

**Second Respondent**

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**MEMORANDUM OF COUNSEL FOR SECOND RESPONDENT IN RELATION  
TO TIMETABLE ORDERS**

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27 February 2020

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## Background

1. The second respondent (the **Council**) is abiding the Court's decision on the applicants' application to file an amended statement of claim.
2. The submissions on behalf of the applicants in relation to their leave application also set out requested timetable orders in the event that leave is granted or declined. Although the Council is abiding the leave application, it does have an interest in any consequential timetable orders.
3. This memorandum is filed to set out its position on those timetable orders.

## Timetable proposed by the applicants if leave is granted

4. The timetable proposed by the applicants in paragraph 50 of their submissions is acceptable to the Council, except for the following:
  - (a) The date for the filing of the Council's statement of defence to the amended statement of claim and evidence in support (paragraph 50(a) of the applicants' submissions) should be 3 April 2020, or 3 weeks after the date the leave is granted, whichever is later. This is to ensure there is at least 3 weeks for that step (as that we do not know when the leave application will be determined);
  - (b) The applicants do not seek, in their proposed timetable, an opportunity to file any further evidence in relation to the non-notification ground of review. It should therefore be made clear that the applicants' evidence to be filed by 21 April 2020 (paragraph 50(b) of the applicants' submissions) is limited to evidence which is *strictly* in reply. (Some of the applicants' purported reply evidence already filed in this proceeding<sup>1</sup> is not in reply and so there is a good reason for underlining this requirement.)


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<sup>1</sup> For example, the affidavits of Mary Tallon and of Mary Inomata.

**Timetable proposed by the applicants if leave is declined**

5. In paragraph 51 of the applicants' submissions, they set out suggested timetable orders in the event that leave is declined.
6. The Council questions whether timetable orders in *this* proceeding can be made in respect of *other*, as yet unfiled, proceedings.
7. However, the timetable itself is acceptable, subject to the same qualification as in paragraph 4(b) above, namely that the applicants' reply evidence must be *strictly* in reply.

**Date:** 27 February 2020



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P M S McNamara/G D Palmer  
Counsel for Auckland Council