

IN THE HIGH COURT OF NEW ZEALAND
ROTORUA REGISTRY

I TE KŌTI MATUA O AOTEAROA
TE ROTORUA-NUI-A-KAHUMATAMOMOE ROHE

CIV 2023-463-00024

Between **GLEN POTANGO RANGIAHO, and ALL PERSONS &
COMPANIES listed in Tables 1 and 2 in the statement of claim
dated 10 February 2026**

First Plaintiffs

And **IAG NEW ZEALAND LIMITED**

Second Plaintiff

Between **VERO INSURANCE NEW ZEALAND LIMITED**

Third Plaintiff

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**CONSENT MEMORANDUM SEEKING DISCOVERY ORDERS AND
VACATING THE DISCOVERY APPLICATION**
30 July 2026

Next event date: 2.15pm 30 July 2026 – discovery hearing
Judicial Officer: AJ Wild
Case officer: Jae Lee

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And AA INSURANCE LIMITED

Fourth Plaintiff

And TOWER LIMITED

Fifth Plaintiff

And QBE INSURANCE (AUSTRALIA) LIMITED

Sixth Plaintiff

And BAY OF PLENTY REGIONAL COUNCIL

First Defendant

And WHAKATANE DISTRICT COUNCIL

Second Defendant

May it please the Court:

- 1 The plaintiffs and the first defendant, Bay of Plenty Regional Council (BoPRC) have reached agreement on the plaintiffs' discovery orders.
- 2 The plaintiffs and BoPRC respectfully request the hearing to consider the plaintiffs discovery application, scheduled for 2.15pm 30 July 2026 to be vacated.

Orders sought

- 3 The plaintiffs and the BoPRC seek orders in terms of the **attached** schedule.
- 4 The plaintiffs and the BoPRC will agree between them as to the date(s) by which the steps in the schedule will be completed and that the parties have leave to seek further directions if necessary.

Dated 30 July 2026



M Ring KC / T J Wood
Counsel for the plaintiffs



C Walker KC / K Perry / J Tian
Counsel for the BoPRC

Schedule

Plaintiffs' Modified Discovery Orders

1. Each of the plaintiffs named in Tables 1 & 2 of the fifth amended statement of claim dated 10 February 2026 (**insured plaintiffs**) shall:
 - (1) Be advised in writing of his/her/its discovery obligation and the scope of discovery to be provided, together with a copy of the judgment making these orders. That advice should be drafted by the plaintiffs' solicitors (**DC**) and its terms agreed by the defendant's solicitors or, if necessary, by the Court. It should include specific advice that the consequences of not responding at all to DC and/or conducting no or an inadequate search could be that the insured plaintiff will be named in an application by BoPRC to the court for particular discovery.
 - (2) Respond specifically, within 20 working days:
 - (a) where holding any documents in accordance with this advice, enclosing all relevant documents in his/her/its control found through such search which have not previously been provided to Godfreys, DC or its insurer;
 - (b) where any relevant documents are held by other persons on the insured plaintiff's behalf, identifying such persons and providing an authority to those persons to forward those documents to DC;
 - (c) where the insured plaintiff no longer has a relevant document in his/her/its control, identifying such document and, where known, stating when it was last in the insured plaintiff's control and what happened to it.
2. The documents in para 1 above shall be:
 - (1) Collated such that each insured plaintiff's documents (including those provided to Godfreys, DC or its insurer) are separately listed in their own section, divided as appropriate into Parts 1 through 4, setting out (where applicable) the para 1(2) matters above; and
 - (2) Produced in an affidavit made by an authorised person on behalf of DC, that also includes DC's own relevant documents to the extent not already in the list in para 2(1) above, and which identifies, to the best of the deponent's knowledge and belief, which insured plaintiffs have responded specifically to para 1(2) above, which have replied that there are no such documents or have not conveyed that they are providing all the documents found in accordance with a search as per the advice, and which have not replied at all. In relation to any insured plaintiff who has said that he/she/it does not have any para 1(2) documents, or not conveyed that they have provided all documents in accordance with the advice, the deponent will state whether the insured plaintiff has confirmed that he/she/it conducted the required search and state his/her/its specific response.

3. Godfreys shall provide an affidavit listing all relevant documents in its possession or control to the extent not listed in the affidavit in para 2(2) above.
4. Each insurer plaintiff shall provide an affidavit listing all relevant documents in its possession or control to the extent not listed in the affidavits in paras 2 and 3 above.
5. Leave is reserved to the defendants to apply for particular discovery, if there is reason to doubt the completeness or accuracy of the discovery given in the affidavits in paras 2, 3 and 4 above – including if an insured plaintiff has not responded to DC's advice at all.