

Notice of pursuit of claim

Notes for plaintiff

What this form is for

Use this notice of pursuit of claim form to tell the defendant and the court that you will pursue your claim in the District Court.

Pursuing a claim means you plan to continue with your claim through the court system.

Who needs to fill in this form

You (or your lawyer) need to fill in this form if you are the **plaintiff**.

The person you are making the claim against is the **defendant**.

For more information about who can sign this form, see the next page.

What to do with the form

1. Remove pages 1 and 2 (the notes pages for you, the plaintiff).
2. Fill in only the first 2 sections of the form, beginning on page 5 and ending on page 8.
3. Photocopy the form (1 copy for each defendant), and keep a copy for yourself.
4. Serve the form at each defendant's address for service.
5. Complete and swear the affidavit in Section 3 of your copy of the form.
6. File the form (including the completed affidavit) at the same District Court where you filed Form 2, and pay the fee.
7. File copies of Forms 3, 4, and 5 at the same time as you file Form 6.

See instructions on the next page for how to serve forms, swear or affirm an affidavit, and file forms.

For more information about fees for filing forms, go to www.justice.govt.nz/civil.

Before you serve this form on the defendant, you must remove the front 2 pages. These pages are for your information only.
Keep a copy of this form, and any other forms you receive, for your own records.

Other forms in the claim process

For more information about the claim process, see the last page of this form.

Note that you do not need to fill in Form 1 at this stage.

Form 2—**Notice of claim**, filled in by the plaintiff

Form 3—**Response by defendant**, filled in by the defendant

Form 4—**Plaintiff's information capsule**, filled in by the plaintiff

Form 5—**Defendant's information capsule**, filled in by the defendant

Form 6—**Notice of pursuit of claim**, filled in by the plaintiff

(this form)

Definitions of words used in this form

address for service

an address of a place in New Zealand where all documents about a claim can be taken or sent to the plaintiff or defendant

affidavit

a written statement given under oath

defendant

the person who a claim is against

file

to take or send documents about a claim to the court Registrar

plaintiff

the person making a claim against someone else

serve

to take or send documents about a claim to the plaintiff's or defendant's address for service

working day

any normal weekday from Monday to Friday, unless it is one of the following public holidays: Good Friday, Easter Monday, Anzac Day, Labour Day, Queen's birthday, or Waitangi Day. As well as these public holidays, the days from Christmas Day (25 December) to 15 January do not count as working days

Who to contact if you need help

If you need help filling in this form, please talk to your lawyer, local Citizens Advice Bureau or Community Law Centre, or go to:
www.justice.govt.nz/civil

Notice of pursuit of claim

Further information for plaintiff

Who can sign this form

You can sign this form if:

- you are making the claim yourself
- or**
- you are authorised to sign on behalf of the plaintiff—for example, if a registered company, Māori incorporation, partnership, trust, estate, incorporated society or unincorporated body is making the claim.

Or, you can authorise your lawyer to sign this form on your behalf.

How to serve forms, swear or affirm an affidavit, and file forms

Serving a form on a defendant

You must serve this notice of pursuit of claim on the defendant before you file it at the District Court. To do this:

- complete the first 2 sections of the form
- make 1 photocopy for each defendant
- take or send a photocopy to each defendant at their address for service.

Swearing or affirming an affidavit

Once you have served this notice of pursuit of claim on the defendant, you must swear or affirm the affidavit in Section 3 to say you have served this form on the defendant. An affidavit is a written statement that you have sworn or affirmed is true in front of a Registrar or Deputy Registrar, Justice of the Peace, lawyer, or Judge.

For information about where you can find one of these people, go to www.justice.govt.nz/civil.

You can swear an affidavit on the Bible, or another religious book such as the Koran, **or** you can affirm an affidavit by solemn declaration.

It is a criminal offence to knowingly swear or affirm a false affidavit.

If you do not swear or affirm your affidavit and complete and file this form, the court cannot continue with your claim.

Filing a form at court

To file Form 6, send or take the original form, including the sworn or affirmed affidavit, to the same District Court where you filed Form 2 and pay the required fee.

You must also file a copy of Forms 3, 4, and 5 with Form 6.

For up-to-date information about the fee for filing a notice of pursuit of claim, go to www.justice.govt.nz/civil.

What happens if you do not file this form within 90 working days?

You must file this notice of pursuit of claim no more than 90 working days after you receive Form 5—**Defendant's information capsule**. If you do not file this form within 90 working days, your claim will end. If this happens, you can start your claim again by filing Form 2 and paying another filing fee.

Notice of pursuit of claim

Notes for defendant

Why you have received this form

You have received this completed notice of pursuit of claim form to tell you that the plaintiff will pursue their claim against you in the District Court.

Pursuing a claim means the plaintiff plans to continue with their claim through the court system.

The person making the claim against you is the **plaintiff**.

You are the **defendant**.

What happens next if you are the defendant

You do not need to fill in any more forms in this series of forms.

The court will now appoint you a case officer. The court will send you a letter introducing your case officer and outlining the next steps in the process.

What if the plaintiff has sent you this form late?

If the plaintiff has served this notice of pursuit of claim on you more than 90 working days after you served Form 5—**Defendant's information capsule**, the plaintiff's claim will end.

Definitions of words used in this form

address for service

an address of a place in New Zealand where all documents about a claim can be taken or sent to the plaintiff or defendant

affidavit

a written statement given under oath

defendant

the person who a claim is against

file

to take or send documents about a claim to the court Registrar

plaintiff

the person making a claim against someone else

serve

to take or send documents about a claim to the plaintiff's or defendant's address for service

working day

any normal weekday from Monday to Friday, unless it is one of the following public holidays: Good Friday, Easter Monday, Anzac Day, Labour Day, Queen's birthday, or Waitangi Day. As well as these public holidays, the days from Christmas Day (25 December) to 15 January do not count as working days

Keep a copy of this form, and any other forms you receive, for your own records.

Other forms in the claim process

For more information about the claim process, see the last page of this form.

Note that you do not need to fill in Form 1 at this stage.

Form 2—**Notice of claim**, filled in by the plaintiff



Form 3—**Response by defendant**, filled in by the defendant



Form 4—**Plaintiff's information capsule**, filled in by the plaintiff



Form 5—**Defendant's information capsule**, filled in by the defendant



Form 6—**Notice of pursuit of claim**, filled in by the plaintiff

(this form)

Who to contact if you need help

If you need help with this form, please talk to your lawyer, local Citizens Advice Bureau or Community Law Centre, or go to:
www.justice.govt.nz/civil

This page has been left blank deliberately

Filed at: _____ File reference number (CIV): _____
Copy this information from Form 2 *Copy this information from Form 2*

▶ Section 1: Plaintiff's and defendant's details

What are your details?

If there is more than 1 plaintiff, write the following details on a separate sheet of paper for each plaintiff. Staple any extra sheets to this page. Write the 'file reference number' (from the top of this page) on any extra sheets you use.

I am listing _____ plaintiffs.
Write the number of plaintiffs

1A Plaintiff's name

- Write your full name.
- or
- Write the name of the company, society or incorporation if the plaintiff is a company, society or incorporation.
- or
- Write the names of the trustees or executors if the plaintiff is a trust or estate.

Name: _____

1B Plaintiff's trading name

If the plaintiff in 1A above has a different trading name, write the trading name here.

Trading name: _____

1C Plaintiff's address for service

Write down an address of a place in New Zealand where you can receive all documents about this claim.

Street address: _____

1D Plaintiff's postal address

If your postal address is different from the address for service you have given in 1C above, write your postal address here.

Postal address: _____

1E Plaintiff's contact details

Write down your phone and fax numbers and an email address if you have one.

Phone number: _____

Other phone number: _____

Fax number: _____

Email address: _____

1F Have you changed your lawyer?

If you have changed your lawyer since you filed Form 4—**Plaintiff's information capsule**, write the new details here, including the name of their firm.

Name of your lawyer

Name: _____

Firm: _____

Contact details of your lawyer for serving forms

Street address: _____

PO Box: _____

Document exchange box: _____

Phone number: _____

Other phone number: _____

Fax number: _____

Email address: _____

What are the defendant's details?

Copy this information from Form 5—**Defendant's information capsule** (Section 1).

If there is more than 1 defendant, write the following details on a separate sheet of paper for each defendant.

Staple any extra sheets to the back of this page. Write the 'file reference number' (from the top of page 5) on any extra sheets you use.

I am listing _____ defendants.
Write the number of defendants

1G Defendant's name

- Write the defendant's full name.
- or**
- Write the name of the company, society or incorporation if the defendant is a company, society or incorporation.
- or**
- Write the names of the trustees or executors if the defendant is a trust or estate.

Name: _____

1H Defendant's trading name

If the defendant in 1G above has a different trading name, write the trading name here.

Trading name: _____

1I Defendant's address for service

Write down the address of a place in New Zealand where you intend to serve this notice of pursuit of claim on the defendant (or defendants, if there is more than 1).

Continue on a separate sheet if there is more than 1 defendant. Even if the defendants are at the same address, they each need to be served a copy.

Street address: _____

1J Defendant's postal address

If the defendant's postal address is different from their address for service in 1I above, write their postal address here.

Postal address: _____

1K Defendant's contact details

Write down the defendant's phone and fax numbers and email address if they have one.

Phone number: _____

Other phone number: _____

Fax number: _____

Email address: _____

▶ Section 2: Your signature

The claim has not been settled and I will now pursue this claim against the defendant in court. The court will decide when and where any further steps in the process occur.

I have attached copies of the following documents.

- Form 3—**Response by defendant**
- Form 4—**Plaintiff's information capsule**
- Form 5—**Defendant's information capsule**

2A

Sign the form below. Then print or type your name and address underneath your signature, or use an address stamp.

Signature of plaintiff:

Keep a copy of this form, and any other forms you receive, for your own records.

Full name and address: _____

Position or office held: _____

This only applies if you are signing on behalf of a registered company, trust, society, incorporation, or estate

Date: _____

▶ **Section 3:** Affidavit

3A

Fill in the affidavit below, then get a Registrar or Deputy Registrar, Justice of the Peace, lawyer, or Judge to swear or affirm that your affidavit is true and sign below.

I _____
Your full name and occupation

of _____
Your address

swear an oath/solemnly and sincerely affirm that to the best of my knowledge and belief:

Form 2—**Notice of claim** was filed at _____ District Court
Name of District Court

on _____
Date you filed Form 2

Form 2—**Notice of claim** was served on the defendant on _____
Date you served Form 2

Form 5—**Defendant's information capsule** was served on me (the plaintiff) on

Date the defendant served Form 5

Form 6—**Notice of pursuit of claim** (this form) was served on the defendant on

Date you served this form

Sworn/affirmed at _____ this _____ day of _____
Place Day of month Month and year

by _____, before me _____,
Plaintiff's name Name of person administering oath or affirmation

Designation (for example, Deputy Registrar of the District Court at Christchurch)

Signature of person administering oath or affirmation:

More information about the claim process

The claim process involves a series of forms requesting information. Some forms are for the plaintiff to fill in and some are for the defendant. All the forms in the process are listed on the first page of this form.

You can find out more about the claim process at www.justice.govt.nz/civil.

Why do you have to go through this process?

By going through the claim process, you might be able to settle the claim without going through the court system.

If you go through the claim process and don't settle the claim, the court will then have an accurate record of all the facts of the claim from both the plaintiff and the defendant.

It is important that you keep your own copies of all the forms you send or receive.

If you are the defendant, you do not need to file any forms at court.