

Reference No. HRRT 034/2018

UNDER THE PRIVACY ACT 1993

BETWEEN HJORTUR (HUGO) KRISTINSSON AND
DAGNY EMMA MAGNUSDOTTIR

PLAINTIFFS

AND SOUTHERN RESPONSE EARTHQUAKE
SERVICES LIMITED

DEFENDANT

AT WELLINGTON

BEFORE:

Mr RPG Haines ONZM QC, Chairperson

Dr SJ Hickey MNZM, Member

Mr RK Musuku, Member

REPRESENTATION:

Mr H Kristinsson in person and as agent for his wife

Mr B Cuff and Ms K Moor for defendant

DATE OF HEARING: Heard on the papers

DATE OF DECISION: 23 November 2018

**DECISION OF TRIBUNAL GRANTING LEAVE TO FILE STATEMENT OF REPLY
OUT OF TIME¹**

Background

[1] The Tribunal is told by Ms Moor the statement of reply should have been filed and served on or before 6 November 2018. The actual date of filing was 15 November 2018.

¹ [This decision is to be cited as: *Kristinsson v Southern Response Earthquake Services Ltd (Extension of Time)* [2018] NZHRRT 51]

[2] Ms Moor further advises that the nine day delay was entirely due to an oversight.

[3] As Southern Response Earthquake Services Ltd (Southern Response) wishes to defend these proceedings Ms Moor has by application dated 15 November 2018 sought a retrospective extension of time to validate the filing of the statement of reply on 15 November 2018.

[4] By email dated 22 November 2018 Mr Kristinsson has advised the plaintiffs do not oppose the extension.

Decision

[5] Having regard to the considerations most recently addressed in *Taylor v Southern District Health Board (Extension of Time)* [2018] NZHRRT 30 at [9] and [10] there can be no doubt the extension must be granted for the following reasons:

[5.1] Southern Response wishes to defend the claim.

[5.2] The delay in filing the statement of reply is trivial and has not in any way prejudiced the plaintiffs.

[5.3] The plaintiffs do not oppose the application.

[6] In these circumstances the extension to Thursday 15 November 2018 is granted.

Order

[7] Southern Response Earthquake Services Ltd is retrospectively granted leave to file and serve its statement of reply by 5pm on Thursday 15 November 2018.

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Mr RPG Haines ONZM QC
Chairperson

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Dr SJ Hickey MNZM
Member

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Mr RK Musuku
Member