

Reference No. HRRT 029/2018

UNDER THE PRIVACY ACT 1993

BETWEEN EAMON HENNING MARSHALL  
First Plaintiff

AND GLENN WALTER MARSHALL  
Second Plaintiff

AND FRANZISKA JANE MARSHALL  
Third Plaintiff

AND IDEA SERVICES LIMITED  
Defendant

AT WELLINGTON

BEFORE:

Mr RPG Haines ONZM QC, Chairperson  
Dr SJ Hickey MNZM, Member  
Mr RK Musuku, Member

REPRESENTATION:

Mr GW Marshall in person and as agent for his wife and son  
Ms I Reuvecamp for defendant

DATE OF HEARING: Heard on the papers

DATE OF DECISION: 5 September 2018

---

**DECISION OF TRIBUNAL GRANTING LEAVE TO FILE STATEMENT OF REPLY  
OUT OF TIME<sup>1</sup>**

---

**Background**

[1] Upon the filing of the statement of claim on 23 July 2018 the Secretariat on 24 July 2018 sent to IDEA Services Ltd (IDEA Services) a copy of the statement of claim

---

<sup>1</sup> [This decision is to be cited as: *Marshall v IDEA Services Ltd (Extension of Time)* [2018] NZHRRT 39]

together with the notice of proceedings required by the Human Rights Review Tribunal Regulations 2002, reg 12. In terms of reg 15(1) the statement of reply was due 30 days after the day on which notice of the proceedings was served on IDEA Services.

[2] The Tribunal is told by Ms Reuvecamp the statement of reply should have been filed and served by Saturday 25 August 2018. Ms Reuvecamp further advises that due entirely to an oversight by counsel, the reply was not filed.

[3] As IDEA Services wishes to defend these proceedings it has by application dated 3 September 2018 sought an extension of time and a direction that the statement of reply be filed by 5pm on Friday 7 September 2018.

[4] By email dated 3 September 2018 Mr Marshall has objected to the extension, ventilating a number of complaints regarding IDEA Services. None of these complaints have a material bearing on the question whether IDEA Services should be granted the requested extension of time.

### **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] IDEA Services 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.

[6] In these circumstances the opposition to the requested extension was misconceived and the extension to 5pm on Friday 7 September 2018 must, inevitably, be granted.

### **Order**

[7] IDEA Services Limited is granted leave to file and serve its statement of reply by 5pm on Friday 7 September 2018.

.....  
**Mr RPG Haines ONZM QC**  
**Chairperson**

.....  
**Dr SJ Hickey MNZM**  
**Member**

.....  
**Mr RK Musuku**  
**Member**