

**IN THE HIGH COURT OF NEW ZEALAND  
WELLINGTON REGISTRY**

**I TE KŌTI MATUA O AOTEAROA  
TE WHANGANUI-A-TARA ROHE**

**CIV-2017-404-558  
GROUP E**

UNDER the Marine and Coastal Area (Takutai  
Moana) Act 2011

IN THE MATTER of an application by RIHARI  
DARGAVILLE on behalf of Ngaitawake  
orders recognising Customary Marine Title  
and Protected Customary Rights  
Applicant

Hearing: On the papers  
Counsel: D Naden for the Applicant  
Minute: 15 September 2023

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**MINUTE (No 4) OF HARVEY J**

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Solicitors: Tamaki Legal Limited, South Auckland

[1] On 2 June 2023, I directed that the applicant Mr Dargaville file an amended application by 2 September 2023. I am aware that Mr Dargaville has experienced challenges with his representation in terms of illness and unavailability. This has resulted in difficulties with adhering to the direction timetable. To avoid doubt, I make no criticism of Mr Castle in this context.

[2] In the meantime, a memorandum dated 14 September 2023 was recently received confirming that Mr Naden of Tamaki Legal had now been instructed by Mr Dargaville. Mr Naden seeks a brief extension of just over a week to comply. Counsel also confirmed that he has conferred with Ms Chen for Te Rūnanga o Ngāti Whātua who, it is said, makes no objection to the extension request.

[3] While I have not heard from any other counsel on this request, I consider that it is reasonable in the circumstances. Mr Naden has until 2 pm on **Friday 22 September** next to comply with my earlier directions in every respect.

[4] For completeness, Mr Castle has also filed a memorandum on 14 September 2023 seeking leave to withdraw as counsel and for the Court to note the change of solicitor on the record for Mr Dargaville. He also confirms that Mr Kingi's new solicitor on the record is Mr Thompson of Phoenix Law. I thank Mr Castle for his memorandum and grant leave that he withdraw as counsel while noting the change of solicitors on the record for both his former clients as requested.

Harvey J