

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

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

CIV-2017-485-187

IN THE MATTER OF the Marine and Coastal Area
 (Takutai Moana) Act 2011 (“the Act”)

IN THE MATTER OF an application for an order recognising
 Customary Marine Title and Protected
 Customary Rights

BY **VERONICA BOUCHIER** for and on
 behalf of the Taumata B Block Whānau
 owners

CIV-2017-485-188

BY **VERONICA BOUCHIER** on behalf of
 the following applicant groups:

Pakiri G-Block 3018 11 owners;
Omaha 1 and Omaha 2 owners;
Hauturu (Little Barrier) owners;
Mahuki Island (Gannet Island) owners;
Motairehe 2B1 and 4B1 owners; and
Motutaiko Island owners

On the papers:

Counsel: T J Castle

Minute: 20 October 2021

MINUTE OF CHURCHMAN J

[1] By memorandum dated 30 August 2021, Mr T J Castle, who has acted as counsel in these proceedings sought leave to withdraw. The grounds upon which his leave application were based were set out in detail in the memorandum.

[2] In short, since 2017, Mr Castle has made many attempts to communicate with Ms Bouchier by a number of different means.

[3] There has only been fitful response from Ms Bouchier to the various attempts at communication, the last being an email of 6 July 2021 where she indicated an intention to respond by the end of August.

[4] Despite numerous further email correspondence, the most recent being 16 August 2021, Ms Bouchier has failed to provide counsel with any further instructions.

[5] It would appear that Ms Bouchier is unwilling or unable to provide counsel with the necessary instructions that would permit him to discharge his obligations to the Court in relation to the procedural directions that the Court has made in this matter. Accordingly, leave is granted to counsel to withdraw.

[6] The Court's records show that the solicitor on the record in these proceedings is Michael Gallagher of Greig Gallagher & Co in Wellington. A copy of this minute is to be sent to Mr Gallagher. A copy is also to be sent to Ms Bouchier.

[7] Ms Bouchier will need to instruct a new counsel. The Court is now engaged in the process of ascertaining whether timetable directions can be set for the hearing of claims that are overlapped by the claims in these proceedings.

[8] Unless Ms Bouchier is able to give instructions to counsel as to the basis upon which her clients might wish to participate in any hearing to be set down, there is a risk that these applicants may miss out on the opportunity to have their claims considered by the Court at the same time as the claims of other overlapping claimants.

[9] There is also a risk that one or more of the overlapping claimants may move to strike these proceedings out on the basis that they are an abuse of the process of the Court.

[10] In order to avoid these possibilities, it is important that Ms Bouchier promptly retain new counsel and provide adequate instructions to counsel so that counsel can participate in an informed way in the various case management hearings that are being held.

P.B. Churchman J

Churchman J

cc: Veronica Bouchier
Michael Gallagher