

### **What is a class action?**

A “class action” (more correctly called in New Zealand a “representative action”) is a legal proceeding brought by a group (class) of people who have the same or similar legal claim against a particular defendant or defendants. Here, the proposed group/class of people comprises the owners of buildings clad with the building cladding material **Shadowclad**. Participating in such an action means resources can be pooled together to pursue a claim (on behalf of all owners) without having to incur the costs of many individual claims.

### **What is Shadowclad?**

“Shadowclad” is a form of weatherboard cladding manufactured by Carter Holt Harvey Limited. It is advertised as being sold nationwide at building merchants such as Carters Building Supplies, ITM, Bunnings Warehouse, Mitre 10 and Placemakers.

### **Which law firm is bringing the claim?**

Adina Thorn Lawyers ([www.adinathorn.co.nz](http://www.adinathorn.co.nz)) is a highly skilled litigation practice with expertise in construction and building litigation and disputes resolution. Adina Thorn Lawyers will be assembling a team of Senior Counsel and industry experts following the registration process.

### **What remedy are you seeking?**

We intend to seek compensation from Carter Holt Harvey for alleged defects in Shadowclad. Concerns over Shadowclad have been widely reported. The Ministry of Education has brought similar legal proceedings against Carter Holt Harvey alleging that Shadowclad used in school buildings is/was defective. We believe that the issue with Shadowclad may extend beyond school buildings, to homes and holiday homes and commercial buildings that contain the product.

### **What is the cost of registering / being involved?**

There is no cost for registering, or for being involved in the Class Action should it progress. Adina Thorn Lawyers has secured funding from a leading global litigation funder. If the claim goes ahead and is successful, owners stand to receive a percentage share of the judgment or settlement sum after legal and other costs, and the funder’s share, are deducted.

### **My building uses Shadowclad but I do not know if it is leaky, or even suspect this. Should I still register?**

Yes, registration is worthwhile and it costs nothing to register. This action is important and potentially beneficial for all owners of Shadowclad cladding who have not previously sought or received full compensation, or any compensation. Your eligibility for the claim will be assessed at a later date.

### **I have already received compensation for a leaky building. Should I still register?**

Yes, registration is worthwhile. While preference is likely to be given to owners who have not previously received compensation, the eligibility of owners who have previously received compensation will be considered following the completion of the registration process. So please still register.

**The building I own was constructed more than 15 years ago. Should I still register?**

Yes. As with any legal action, certain time limitations will apply. However, these can be complex. Registration will allow us to assess whether your claim is viable.

**Is the information that I supply kept confidential?**

All information you provide in the registration process will be treated as confidential and used only for the purposes of litigation. The Privacy Act 1993 also applies to any personal information provided. If you have concerns about disclosure, you are entitled to seek independent legal advice.

**What happens if I sell my property?**

If you have a stand-alone property (ie. not part of a Body Corporate) and you sell your property please let us know so we can update your details. Each case will be considered individually, but generally if you provide sufficient evidence you can remain in the action. We will claim for the losses you suffered on the sale, not the cost of replacing the cladding. This may require evidence from a registered valuer which may not be a funded cost. If your property is in a Body Corporate and is sold, whether your claim can remain in the Class Action will be assessed on a case by case basis.

**Where can I find out more?**

Visit [www.adinathorn.co.nz](http://www.adinathorn.co.nz). If you have further questions please feel free to contact Adina Thorn Lawyers directly – [enquiries@adinathorn.co.nz](mailto:enquiries@adinathorn.co.nz).

**What happens after I register?**

Registration should not take longer than 5 minutes. Once you have registered, you will receive a confirmation email with your registration number. Going forward, you will receive regular updates on progress from the team at Adina Thorn Lawyers.