

COUNCIL CLASS ACTION – Q&A's

What is a class action?

A "class 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 are the owners of buildings in relation to which a Council has exercised statutory powers of approval in relation to all or part of the building (such as issuing a building consent or code compliance certificate).

Participating in such an action means resources can be pooled together to pursue a claim (on behalf of all owners) without individual owners having to incur their own costs.

We are seeking registrations of interest from owners of new builds or reclads, where the Council has approved all or part of the building.

Is there a time limit on bringing a claim against Council?

As with any legal action, certain time limitations will apply. However, these are claim-specific and complex. Registration will allow us to assess whether your claim is viable. In general terms:

- i. The relevant Council action or omission must have been within **10 years** of the filing of the statement of claim. This means it must be after early October 2007; or
- ii. You have **registered with the Weathertight Home Resolution Service** / Weathertight Services (the Government agency that manages weathertightness issues); or
- iii. If you are in **existing litigation** (which is not time-barred), you may be eligible to join.

What remedy are you seeking?

We intend to seek compensation from Councils for losses suffered, which may include repair costs or diminution in value. The extent of compensation available will vary by claim.

Is the action funded?

A fund managed by Balance Legal Capital has provided funding for the first stage of the Council Class Action. In order to progress the claim, we are hoping for a positive response from owners wishing to participate. Registration of interest will enable the team at Adina Thorn Lawyers to assess the viability of each claim. Subject to that and to the terms of funding agreements, funding will be provided for subsequent stages of the Class Action.

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. All the legal and other costs are borne by the litigation funder on behalf of the claimants.

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.

I am an Owner / Body Corporate and we are already in expensive litigation. Should I still register?

Yes, registration is worthwhile and it costs nothing to register. The class action gives an opportunity to those to seek compensation, who would otherwise struggle to afford litigation costs.

Am I under any obligation or commitment by registering?

You are under no obligation after registering and there is no cost to register. Entry to the claim is not automatic. All applications will be assessed and not all applicants will be eligible to join the claim.

Why wouldn't I just bring my own claim?

The Council Class Action is an opportunity for owners to pursue viable claims and for the action to be funded. Bringing your own claim means you incur the cost and inconvenience yourself (after the funder's share is deducted).

Which law firm is bringing the claim?

Adina Thorn Lawyers (www.adinathorn.co.nz), a highly skilled litigation practice with expertise in class actions, 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.

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

Yes, we will consider the viability of all registrations in the order they are registered.

Is the information that I supply kept confidential?

Yes, all information you provide in the registration process will be treated as confidential and used or disclosed only for the purposes of litigation. The Privacy Act 1993 also applies to any personal information provided.

What happens if I sell my property?

If you have a stand-alone property (i.e. 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 may remain in the action. This may require you to obtain evidence from a Valuer. 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?

To view more information about Adina Thorn Lawyers and the Council Class Action please click [here](#) or visit www.adinathorn.co.nz. If you have further questions please feel free to contact Adina Thorn Lawyers directly at classaction@adinathorn.co.nz

What happens after I register?

Registration should not take longer than 10 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. Please click [here](#) to visit to start your registration.