

IN THE HIGH COURT OF NEW ZEALAND
ROTORUA REGISTRY

I TE KŌTI MATUA O AOTEAROA
TE ROTORUA-NUI-A-KAHUMATAMOMOE ROHE

CIV-2024-463-019

Between **TAMATI KRUGER** as trustee of **TŪHOE – TE URU
TAUMATUA TRUST**
First Applicant

And **TŪHOE TRUST CUSTODIAN TRUSTEE COMPANY LTD**
Second Applicant

And **DONNA MASON**
First Respondent

And **RITCHIE CONTRACTING LTD**
Second Respondent

And **ALAN MAURICE RITCHIE**
Third Respondent

FREEZING AND ANCILLARY ORDERS

28 February 2025



Solicitor acting:

BUDDLE FINDLAY

Barristers and Solicitors, Wellington

Solicitor Acting: **Paul Beverley**
Email: paul.beverley@buddlefindlay.com
Tel 64 4 462 0406 Fax 64 4 499 4141 PO Box
2694 DX SP20201 Wellington 6011

Counsel instructed:

MRG van Alphen Fyfe

Stout Street Chambers
Monique.vanalphenfyfe@stoutstreet.co.nz
Tel 021 489 289
PO Box 117, Wellington 6140

To the First, Second and Third Respondents

Before the Honourable Justice Gardiner, 28 February 2025

After reading the interlocutory application without notice and the affidavit of Umesh Bipinchandra Naik filed by the applicants and having heard from SA Barker and MRG van Alphen Fyfe, counsel on behalf of the applicants, this Court orders:

1. The Applicant has a good arguable case on an accrued or prospective cause of action that is justiciable in the court.
2. The Court has considered the Applicant's application for a freezing order, and has heard MRG van Alphen Fyfe and SA Barker in support.
3. The court is satisfied, having regard to all the circumstances disclosed by affidavit evidence filed in support of the application, that there is a danger that judgment in favour of the applicant will be wholly or partly unsatisfied, because the assets may be disposed of, dealt with, or diminished in value and that the plaintiffs have proprietary claims both to the harvested logs as well as to any proceeds of sale of same.
4. This freezing order is made in respect of any funds held in any and all bank accounts in the names of the First to Third Respondents, or "Ōmuriwaka Māori Incorporation" or "Ōmuriwaka Incorporation", in New Zealand with any bank or financial institution, up to a maximum aggregate sum of \$1 million.
5. Further, an order is made restraining the First to Third Respondents, whether by their directors, servants, related bodies corporate, subcontractors, officers, employees, personnel, agents, other persons authorised to act on their behalf of by any other means at all, are prohibited from dealing or in any way interfering with any logs felled from the Matahi Forest.
6. An order is made that the First to Third Respondents must by affidavit by 5 March 2025 serve on the applicants an affidavit identifying:
 - (a) All assets that the First to Third Respondents own, and the location of those assets. This includes any bank accounts in the names of any of the First to Third Respondents.
 - (b) The quantity of timber harvested in the Matahi Forest, details of any contracts entered into for the harvesting of timber, or the sale or disposal of harvested timber, the identities of any purchaser or



contractors, and details of any payments received in relation to the sale or disposal of timber.

7. Subject to paragraph 8 this order restrains you from removing any of the assets listed in paragraph 4 and 5 from New Zealand, or from disposing of, dealing with, or diminishing the value of, those assets, whether they are in or outside New Zealand.
8. This freezing order does not prohibit you from dealing with the assets covered by the order for the purpose of:
 - (a) paying ordinary living expenses; or
 - (b) paying legal expenses related to the freezing order; or
 - (c) disposing of assets, or making payments, in the ordinary course of your business, including business expenses incurred in good faith.
9. As the freezing order has been made without notice to you, it will have no effect after 6 March 2025 unless on that date it is continued or renewed. On that date you or your counsel are entitled to be heard by the court in opposition to the continuation or renewal of the order.
10. You may apply to the court by interlocutory application to discharge or vary the order. If you apply, you must give the Applicant notice of not less than two working days' notice.
11. An undertaking as to damages given by the Applicant is attached.
12. An order is made dispensing with personal service of the proceeding on the First to Third Respondent. An order for substituted service for the first to third respondents is made such that:
 - (a) The first defendant may be treated as served when the relevant document(s) have been emailed to ipaythebillshere@gmail.com.
 - (b) The second and third defendants may be treated as served when the relevant document(s) have been emailed to ritchiecontractingltd@gmail.com, and bevan@tandccountants.co.nz.



13. An order is made varying the order for substituted service for the fourth defendants, such that the fourth defendants may be treated as served when the relevant document(s) have been:

- (i) emailed to the Chair of Te Waimana Kaaku Tribal at rangiriri.rangihau@tewhatauora.govt.nz and tari@waimanakaaku.iwi.nz;
- (ii) emailed to the Ōmuriwaka Marae Committee at OMWkomiti675@outlook.com; and
- (iii) published on the website of Tūhoe - Te Uru Taumatua Trust.

Date: 28 February 2025



P L J Peters
(Deputy Registrar)

