

**In the District Court of New Zealand  
North Shore Registry**

**CIV- 2018-044-001629**

**Under** the Property Law Act (2007)

**In the Matter of** Breach of [Lease] Contract

**Between** **Ian James Plowman**, Nurseryman of 35  
Advane Road Cockle Bay, Auckland,  
Company Director  
**Nikau Grove Nursery Limited**, a duly  
incorporated company having its  
registered office at 35 Advane Road,  
Cockle Bay, 2014, New Zealand  
**Helen Irene Mitchell** of 53 Smith Road,  
Kumeu, Auckland  
Retired  
*Applicants*

**and** **Dennis Arthur Smith**, Beneficiary of  
Taumarunui  
*Defendant*

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***Notice of Opposition to Strike-Out Proceedings  
and in the Alternative Seeking Security for Costs***

Dated: 19 March 2020

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Next Event Date: 23 March 2020

Judicial Officer:  
Case Officer: Steve McHugh

Dennis A. Smith  
Address for service: 2A Para St, Matapuna, Taumarunui, 3920  
Ph: 0211183296 ~ Email: dennis@dennis.nz

To the **Registrar** of the District Court at North Shore

and

To **Ian James Plowman, Nikau Grove Nursery Limited & Helen Irene Mitchell**

This document notifies you that –

1. The **Respondent**, Dennis A. Smith, intends to oppose the interlocutory application by **Ian James Plowman, Nikau Grove Nursery Limited & Helen Irene Mitchell** dated 23 August 2019.

2. The **Respondent** is opposed to the making of the orders.

3. The grounds on which the **Respondent** opposes the making of the order(s) are as follows:

- a) The Statement of Claim is accurate, detailed and compelling;
- b) The **First Applicant** has already acknowledged in his Statement of Defence that a lease existed between the parties, however the details of this lease are disputed, therefore these disputed facts are required to be examined at trial;
- c) The **Applicants** have failed to provide evidence that the **Respondent** is undertaking a vexatious or frivolous case, which he is not; and
- d) The **Applicants** have failed to provide evidence that the Defendant (Plaintiff) is impecunious, which he is not.

4. The **Respondent** relies on the District Court Rules 2014.

A handwritten signature in black ink, appearing to read "Dennis A. Smith". The signature is written in a cursive, flowing style with a horizontal line underneath.

Dennis A. Smith

**Respondent**

19 March 2020