

**IN THE DISTRICT COURT
AT TAUMARUNUI**

CIV-2022-068-

UNDER THE Defamation Act (1992)

IN THE MATTER OF: Defamation

BETWEEN: **DENNIS ARTHUR SMITH**, Beneficiary, of
Taumarunui,
Plaintiff

AND: **KAREN NGATAI**, Legal Advisor,
115 Hakiaha St, Taumarunui,
First Defendant

AND: **COMMUNITY LEGAL ADVICE WHANGANUI TRUST**
a New Zealand registered Charitable Trust, 2/236
Victoria Avenue, Whanganui
Second Defendant

STATEMENT OF CLAIM

Dated: 13 June 2022

Filed by: Dennis Arthur Smith, Plaintiff.
Address for Service: dennis@dennis.nz
4/2a Para St, P O Box 2, Taumarunui, 3946 NZ

The Plaintiff Claims:

Background

- 1 The Second Defendant employs the First Defendant as Legal Advisor.
- 2 At all material times the First Defendant represented herself as an agent of the Second Defendant.
- 3 At 13:26 on 18 January 2022 (time is of the essence) the Plaintiff provided the First Defendant and the Second Defendant with a draft copy of a blog post that he intended to publish, inviting the First Defendant and the Second Defendant to make comments and or corrections. *“[I] seek your feedback please prior to publication specifically looking for any errors of fact”*.
- 4 At 13:30 on 18 January 2022 the Second Defendant responded to this communication by asking a question.
- 5 At 13:40 on 18 January 2022 the Second Defendant again responded to this communication by providing legal advice, saying, *“I would be very careful of posting this ... [as it] will place you in a very precarious position”*.
- 6 At approximately 16:41 on 18 January 2022 the Plaintiff published the blog post on his website entitled, *“Karen Ngatai: Bad Legal Advice, Bad Attitude ... Just Bad”*, materially unchanged from the version proposed and previously provided to the First Defendant and the Second Defendant for comment or correction.
- 7 At 18:04 on 18 January 2022 the Plaintiff advised both the First Defendant and the Second Defendant that, *“As neither you nor Karen have responded but not raised any concerns over any factual error, I have published it now, as is. I deem all facts contained to be true - at the point of publication anyway.”*
- 8 At 15:33 on 20 January 2022 the First Defendant informed Naomi Bray from Colliers International that the Plaintiff published a blog post about her that was *“full lies [sic]”*.

- 9 On 30 May 2022 the Plaintiff sought clarification from the First Defendant and the Second Defendant of what falsehood was contained in this published post, saying, *“Please advise me specifically of what lies exist within this blog (attached, saved as at today's date) and (as I claim to always speak the truth) why Karen's statement is not a false claim, i.e. in itself defamation”*.
- 10 On 4 June 2022 the Plaintiff advised the the First Defendant and the Second Defendant that they had defamed him and that they should rectify this defamation by 5.00pm 10 June 2022, saying, *“... Defamation therefore has occurred. Unless you engage with me urgently and meaningfully and no later than 5.00pm Friday 10 June 2022, with the express intention to correct the error and damage you have caused as a result of this defamation ...”*.
- 11 On 7 June 2022 the Second Defendant replied acknowledging receipt of the Plaintiff's two requests and informing the Plaintiff that there will be no further communications from them relating to this matter, saying, *“This is an acknowledgement of your two emails, at this time there will be no further correspondence”*.

Cause of Action - Defamation

- 12 Both the First Defendant and the Second Defendant have defamed the Plaintiff by falsely claiming that a blog post published by the Plaintiff was *“full [of] lies”* and that therefore the Plaintiff cannot be trusted to speak truthfully.
- 13 This defamation by the First Defendant and the Second Defendant has caused reputational damage to the Plaintiff, within the King Country and Wellington regions.
- 14 LINZ's decision not to renew the Plaintiff's lease of Railway land in Matapuna was predicated at least in part upon this defamation.
- 15 This defamation by the First Defendant and the Second Defendants has therefore caused financial losses to the Plaintiff, the quantum yet to be fully determined depending on LINZ's future

actions.

Application for Relief

Whereas the plaintiff seeks the following relief:

- A) A **DECLARATION** that the First Defendant and Second Defendant have defamed the Plaintiff; and
- B) **DAMAGES** from the First Defendant and Second Defendant jointly and severally (the quantum depending on the actions of LINZ) of between \$18,000.00 and \$250,000.00; and
- C) **EXEMPLARY DAMAGES** from the First Defendant and Second Defendant jointly and severally of \$25,000.00; and
- D) **UPLIFTED COSTS.**

Date: 13 June 2022



.....
Signature of Dennis Arthur Smith

Plaintiff

This document is filed by the plaintiff in person. The address for service of the Plaintiff is dennis@dennis.nz, 4/2a Para St, Taumarunui, 3920.