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From: John Maassen <JMaassen@crlaw.co.nz>

To: Karen Price

Cc: Jeff Baker <jeff.baker@pncc.govt.nz>; Clive Anstey <c.anstey@paradise.net.nz>

Sent: Wed Jun 10 11:45:54 2009

Subject: Caucusing

Karen,

I have been out of the office and have now been advised by Barbara Pearse that there are ten additional experts that have not previously provided Evidence in Chief that you have included in the evidence in rebuttal. This is unacceptable and we will be seeking a direction from the Board to exclude that evidence. It would have been nice for you to give us the courtesy that telling us that you had witnesses in reserve which I infer that you must have known previously given that they could not have been organised in a two week period.

I advise that the landscape caucusing will not occur. You are proposing a caucusing not including submitters experts who complied with the Boards directions and you are proposing to have at that caucusing:

- (a) experts who did not provide Evidence in Chief in the field of landscape architecture and;
- (b) non landscape architect experts.

That is a meeting where you have four witnesses to our one. We do not accept that your experts other than Wyatt and Brown have the right to caucus in accordance with the Courts directions and we will not implicitly accept their evidence by engaging in caucusing with them. Nor do we consider partial caucusing appropriate.

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This electronic mail message together with any attachments is confidential. If you are not the intended recipient please email us immediately and destroy the message. You may not copy, disclose, or use the contents in any way. Thank you.

EXHIBIT NOTE

This is the annexure marked "I" referred to in the affidavit of Mark Alan Clive Henry and sworn at Hamilton this 16th day of June 2009 before me.

Signature.....

A Solicitor of the High Court of New Zealand