

**IN THE DISTRICT COURT
AT HUTT VALLEY**

**I TE KŌTI-Ā-ROHE
KI TE AWAKAIRANGI**

**CIV-2020-096-000064
[2020] NZDC 1557**

IN THE MATTER OF	THE HARMFUL DIGITAL COMMUNICATIONS ACT 2015
BETWEEN	DOUGLAS RAYMOND WHITE Applicant
AND	JINNY THOMAS Respondent

Judgment: 31 January 2020

JUDGMENT ON THE PAPERS OF JUDGE S M HARROP

[1] I have received and considered Mr White's application filed at the Hutt Valley District Court today, together with his supporting affidavit and that of his wife, Alanna Puketapu-White.

[2] The application has been filed without notice to the respondent and seeks all of the orders available to the Court under s 19(1) of the Act.

[3] I accept that the threshold statutory requirements are met, but do not consider any order should be made without first giving the respondent, Ms Thomas, an opportunity to be heard and to file any documents she wishes to file in response to those filed by Mr White.

[4] I note that according to Mr White, he returned the korowai by courier on the morning of 7 January and paid for the track and trace facility and signature-required delivery. Unfortunately, it appears that the courier company mislaid the item. Subsequently, on 28 January, it appears that the item has been found and presumably

Ms Thomas will have received it by now as was intended by Mr White some three weeks ago.

[5] In these circumstances, it may be that the attitude of Ms Thomas to the dispute will be different from that which is apparent in the documents attached to Mr White's affidavit.

[6] I therefore direct that the application proceeds on notice and I direct the Registrar to take the necessary steps under Rule 17 of the Harmful Digital Communications Rules 2016.

[7] Mr White has requested that his residential address be kept confidential and not disclosed to Ms Thomas. It does not appear to me that his address is mentioned in the documents but in case I have missed this I grant that application and direct the Registrar to make any necessary redaction before service is effected.

[8] Costs are reserved.

S M Harrop
District Court Judge