**MEDIA STATEMENT**

**Friday 10 July 2015**

**FOR IMMEDIATE RELEASE**

**KIWIFRUIT CLAIM WINS FIRST ROUND**

The High Court at Wellington has ruled in favour of The Kiwifruit Claim and against the Crown on all substantial points, in a judgment released on 8 July.

Kiwifruit growers and post-harvest operators who were negatively affected by Psa have until Friday 9 October 2015 to sign up to The Kiwifruit Claim, the court has ruled.

The court said growers and post-harvest operators should be allowed to bring the proceedings as a representative or class action, which had been opposed by the Crown Law Office (CLO). The court said there was no objection to the litigation funder, LPF Litigation Funding Limited, a 100% kiwi-owned company, and approved the terms of the funding agreement, which had been signed by an initial 72 growers and post-harvest operators. An initial $250,000 security for costs is to be lodged by LPF, increasing as the litigation progresses.

Most importantly for growers and post-harvest operators still to make a decision about joining the claim, the court set Friday 9 October 2015 as the deadline for others to join the litigation.

The chairman of The Kiwifruit Claim, John Cameron, said the result was expected. “We believe we have a strong case and we’re getting our day in court to see this through,” Mr Cameron said.

The Kiwifruit Claim spokesperson, Matthew Hooton, said, as of today, 72 growers and one post-harvest operator had registered and paid their one-off fee completing the formal paperwork to sign up to the claim.

The plaintiffs are represented by a committee consisting of Mr Cameron (Chairman), Bob Burt and Grant Eynon. It is expected additional plaintiffs will join the claim now it has been given the go ahead by the High Court.

“It’s entirely up to growers and post-harvest operators to decide whether or not to join the claim and they should leave plenty of time before Friday 9 October to read through all the documents and get their own independent legal advice,” Mr Hooton said.

“In a nutshell, the claim alleges that Biosecurity NZ was negligent in allowing Psa to be introduced into New Zealand, costing New Zealand at least $885 million, according to Biosecurity NZ’s own independent study, and the plaintiffs believe it should be held accountable and pay damages for all foreseeable losses.

“All kiwifruit growers and post-harvest operators can join the claim for a one-off fee of $500, $1,000 or $1,500 depending on the size of their orchard, and post-harvest operators for a one-off fee of $10,000. It’s totally up to them whether or not to join the claim but only growers and post-harvest operators that sign up to the action before the court’s Friday 9 October deadline can benefit from any settlement or award of damages.”

The combined losses of those who have already signed up is estimated to be over $280 million, Mr Hooton said.

Further information on The Kiwifruit Claim and a forum where growers can lodge their questions about the claim can be found at [www.thekiwifruitclaim.org](http://www.thekiwifruitclaim.org).

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