



## THE KIWIFRUIT CLAIM

### The Kiwifruit Claim

#### COURT UPDATE 6 OCTOBER 2017

The High Court trial in Wellington to hold the Government and Ministry of Primary Industries to account for the losses suffered during the PSA incursion, continued this week.

This week both Lain Jager and Simon Limmer from Zespri provided evidence in court. They addressed the kiwifruit industry, Zespri's knowledge of Psa prior to the incursion and the impact Psa has had on the industry. Lain Jager also admitted that each grower's circumstances were different and it could not be said that the losses suffered due to Psa were generally undone by recent good performance on an average basis.

Craig Greenlees, Managing Director of DMS gave evidence about the impact Psa has had on his own post-harvest business.

The court also heard from Robert Taylor, senior scientist for MPI who addressed the testing protocols for Psa, the initial response to Psa and recounted the first week of the Psa incursion. Heather Pearson, incursion officer at MPI also gave evidence about her role in the response to Psa and the initial investigations that took place at RP1 and RP2.

Evidence was provided by Shane Max, Global Production manager for Zespri who spoke about how Psa infects kiwifruit vines, the symptoms of Psa and orchard management and hygiene practices in the NZ kiwifruit industry before and after the Psa incursion.

Dr David Tanner, who led the research and development programme at Zespri from 2007 to 2014 also gave evidence on its research into the Italian outbreak.

In the week ahead, while at this stage we don't have exact timings, we can advise that the witnesses will include the DNA and statistics experts including plaintiff witnesses Angelo Mazzaglia, Russell Poulter and James Curran and Crown witnesses Dr Honour McCann, Edward Holmes and David Bryant.

This is a guide only, and can change. Timing will also depend on the length of cross examination of each witness.

This week John Cameron, Bob Burt and Grant Eynon from the Claim Committee attended court proceedings. As previously advised, you are most welcome to attend the High Court and listen to the proceedings if you are in Wellington and wish to see for yourselves. Court begins at 10am each day, in Court room number 6. Please feel free to contact the committee if you would like to attend, to confirm witness timing.

#### **MEDIA:**

Media continue to be very interested in the court case, below are links to a number of media articles that have been published throughout the week:

[http://www2.nzherald.co.nz/the-country/news/article.cfm?c\\_id=16&objectid=11929034&ref=rss](http://www2.nzherald.co.nz/the-country/news/article.cfm?c_id=16&objectid=11929034&ref=rss)

<http://www.freshplaza.com/article/182467/NZ-Zespri-tells-court-kiwifruit-industry-has-more-than-recovered>

[https://www.freshfruitportal.com/news/2017/10/03/psa-pain-ongoing-nz-kiwifruit-industry/?utm\\_source=Freshfruitportal.com&utm\\_campaign=6ba222e5b3-EMAIL\\_CAMPAIGN\\_2017\\_10\\_02&utm\\_medium=email&utm\\_term=0\\_09f78bd3b2-6ba222e5b3-39237645](https://www.freshfruitportal.com/news/2017/10/03/psa-pain-ongoing-nz-kiwifruit-industry/?utm_source=Freshfruitportal.com&utm_campaign=6ba222e5b3-EMAIL_CAMPAIGN_2017_10_02&utm_medium=email&utm_term=0_09f78bd3b2-6ba222e5b3-39237645)

<http://www.scoop.co.nz/stories/BU1710/S00048/kiwifruit-industry-has-not-fully-recovered-after-psa.htm>

<http://www.voxy.co.nz/business/5/294644>

<https://www.nbr.co.nz/article/banks-supported-growers-during-psa-crisis-court-hears-b-208340>

## **TRIAL TIMETABLE GOING FORWARD**

The lawyers keep us updated on the likely timetable for the trial, and as previously advised it is expected that we will not need all the 13 weeks currently scheduled. This will depend on how long each witness is required to give evidence and how many questions they are required to answer. While it is not possible to give exact times and dates, the remainder of the trial is expected to run as follows:

- 9 October – The Crown will continue to present its witnesses, and they will be cross examined by our lawyers.
- 30 October (potentially earlier)– The Crown closes its case.
- Late October - Our lawyers close our case, and the trial is scheduled to finish.

We will continue to keep you regularly updated as the Court case proceeds. If you have any questions please feel free to contact us. Our chairman, John Cameron, can be contacted on 027 497 9534, or use the Q&A forum on the website: [www.thekiwifruitclaim.org](http://www.thekiwifruitclaim.org).

The Kiwifruit Claim Committee

6 October 2017