

**IN THE HIGH COURT OF NEW ZEALAND
AUCKLAND REGISTRY**

CIV-2006-404-3283

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| BETWEEN | Y S JONG First Plaintiff |
| AND | NEW WORLD VISION CENTRE LTD Second Plaintiff |
| AND | D Y YANG First Defendant |
| AND | KENTON CHAMBERS LAWYERS Second Defendant |
| AND | Y T CHOI LAWYERS Third Defendant |
| AND | MINTER ELLISON RUDD WATTS Fourth Defendant |

Hearing: 19 June 2009

Appearances: No appearance for plaintiffs
Mr Harris for first, second and fourth defendant
Mr McKinnon for third defendant

Judgment: 19 June 2009

ORAL JUDGMENT OF ASSOCIATE JUDGE DOOGUE

Solicitors:

Duthie Whyte, P O Box 644, Auckland - by facsimile: 309 1536

Kensington Swan, Private Bag 92101, Auckland - by facsimile: 309 4276

Equity Law, 44 Kyber Pass Road, Auckland - by facsimile: 303 2018

McElroys, P O Box 835, Auckland - by facsimile: 309 7558

Gilbert Walker, P O Box 1595, Auckland - by facsimile: 374 1111

[1] There was no appearance on this matter today for the plaintiffs. Mr Adjer sought to be heard but it appears that he is not qualified I was not therefore able to hear submissions from him.

[2] The last time that the Court dealt with an application on this matter was in November of last year when I made orders for security for costs. The orders have not been complied with and no further steps have been taken on the proceeding by the plaintiff since my decision in the security for costs matter. Mr Orlov was previously acting and he seeks leave to withdraw which is granted. Mr Orlov, in a memorandum he filed, says that the plaintiffs sought legal aid but presumably that was a reference to the first plaintiff only.

[3] These proceedings were commenced in 2006. They are well overdue for disposal. There seems to be no prospect of the plaintiffs moving the proceedings again because they cannot instruct counsel and more importantly because they apparently cannot meet the order for security for costs. I therefore determine that the proceedings should be struck out and order accordingly. The plaintiffs are to pay costs to the defendants on a 2B basis.

J.P. Doogue
Associate Judge