

Betreff: FW: Norsand - Stormvogel

Von: Jeremy Browne <JeremyBrowne@hendersonreeves.co.nz>

Datum: 17.06.2015, 12:52

An: "peter@wiedekamm.com" <peter@wiedekamm.com>

Dear Peter

Please see below the email from Norsand's lawyers. They are maintaining that they have done nothing wrong. Your options now are to:

- (1) Give up.
- (2) Get me to continue to argue with them. However, this seems to be getting nowhere.
- (3) Commence proceedings in the Disputes Tribunal. Your claim will be limited to \$15,000. Lawyers are not permitted to attend Disputes Tribunal hearings so the only costs you would incur are the filing fee, any assistance you would like from me to prepare papers, and any fees paid to an expert witness.
- (4) Commence proceedings in the District Court. A claim in the District Court can be up to \$200,000 in size. The legal fees involved in preparing and prosecuting a claim can be considerable. I think a Disputes Tribunal claim would be your best option.

I look forward to hearing from you.

Regards
Jeremy Browne

From: Andrew Colgan [mailto:Andrew.Colgan@mcelroys.co.nz]

Sent: Wednesday, 17 June 2015 4:17 p.m.

To: Jeremy Browne

Subject: RE: Norsand - Stormvogel

Hi again Jeremy,

We have now had a chance to discuss the matter further with Norsand and their insurer.

We are instructed as follows:

1. Norsand is adamant that the nuts on the port side of the pivot shaft were properly tightened. The addition of a further mechanism (such as pinning the nuts together) is a question for the designer and/or manufacturer.
2. The difference in hardness of the bore and the shaft does not establish that a poor fit was the result of the problem rather than the cause.
3. It was not within the scope of your client's instructions for Norsand to remove the centreboard. Norsand only carried out modifications on the seal carrier as requested.
4. There is nothing in Mr Lindberg's report that casts any serious doubt on the conclusions reached by Mr Howells at section 5 of his report. Indeed, the finding (at 5.1) that movement within the swing keel keyway had been ongoing for a "considerable period of time" does not appear to have been addressed at all.

On this basis we are instructed to continue to refute any liability on the part of Norsand for the loss claimed. Additionally we are instructed not to agree to an extension of the jurisdiction of the Disputes Tribunal. If proceedings are commenced, we are authorised to accept service on behalf of Norsand.

Kind regards

Andrew Colgan

Associate

McElroys

15th Floor, 45 Queen St, PO Box 835, Auckland 1140

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From: Jeremy Browne [<mailto:JeremyBrowne@hendersonreeves.co.nz>]
Sent: Thursday, 11 June 2015 9:55 a.m.
To: Andrew Colgan
Subject: FW: Norsand - Stormvogel

Dear Andrew

I see Matthew is away for a couple of weeks. Can you please deal with this in his absence.
Kind regards

Jeremy Browne
Director



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From: Jeremy Browne
Sent: Thursday, 11 June 2015 9:30 a.m.
To: 'Matthew Flynn'
Subject: RE: Norsand - Stormvogel

Dear Matthew

We have not had a response to our letter dated 16 March 2015. Please provide a substantive response by 17 June 2015 failing which our client will commence proceedings without further reference to you or your client.

Regards
Jeremy Browne

From: Jeremy Browne
Sent: Thursday, 7 May 2015 10:01 p.m.
To: 'Matthew Flynn'
Subject: RE: Norsand - Stormvogel

Any update?

Regards
Jeremy Browne

From: Matthew Flynn [<mailto:matthew.flynn@mcelroys.co.nz>]
Sent: Wednesday, 18 March 2015 10:35 a.m.
To: Jeremy Browne
Subject: RE: Norsand - Stormvogel

Thanks and we are seeking instructions, so will revert shortly.

Matthew Flynn
Partner
McElroys
15th Floor, 45 Queen St, PO Box 835, Auckland 1140
Phone 09 307 2003 | Fax 09 309 7558
DX CP20526, Upper Shortland Street
www.mcelroys.co.nz

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From: Jeremy Browne [<mailto:JeremyBrowne@hendersonreeves.co.nz>]
Sent: Monday, 16 March 2015 5:18 p.m.
To: Matthew Flynn
Subject: Norsand - Stormvogel

Please see the **attached**.

Kind regards
Jeremy Browne
Director



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