

Notice of pursuit of counterclaim

Notes for defendant

What this form is for

Use this notice of pursuit of counterclaim form to tell the plaintiff and the court that you will pursue your counterclaim in the District Court.

Pursuing a counterclaim means you plan to continue with your counterclaim through the court system.

Who needs to fill in this form

You (or your lawyer) need to fill in this form if you are the **defendant**.

The person you are making the counterclaim against is the **plaintiff**.

For more information about who can sign this form, see the next page.

What to do with this form

1. Remove pages 1 and 2 (the notes pages for you, the defendant).
2. Fill in only the first 2 sections of the form, beginning on page 5 and ending on page 8.
3. Photocopy the form (to serve on the plaintiff), and keep a copy for yourself.
4. Serve the form at the plaintiff's address for service.
5. Complete and swear the affidavit in Section 3 of your copy of the form.
6. File the form (including the completed affidavit) at the same District Court where the plaintiff filed Form 2, and pay the fee.
7. File copies of Forms 3CC, 4CC, and 5CC at the same time as you file Form 6CC.

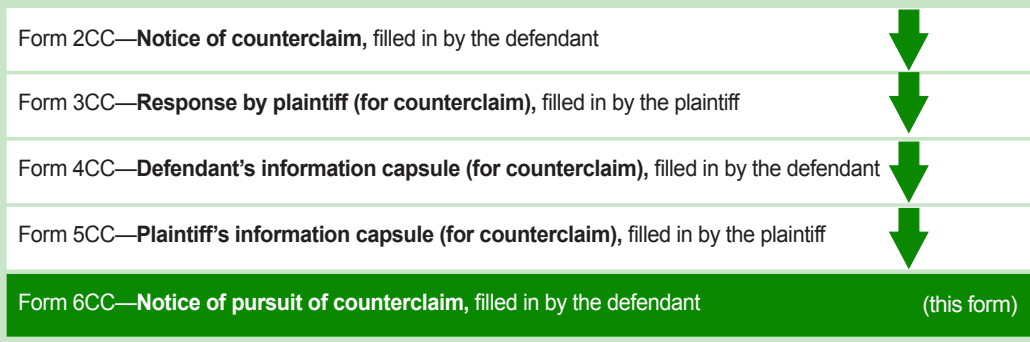
See instructions on the next page for how to serve forms, swear or affirm an affidavit, and file forms.

For more information about fees for filing forms, go to www.justice.govt.nz/civil.

Before you serve this form on the plaintiff, you must remove the front 2 pages. These pages are for your information only. Keep a copy of this form, and any other forms you receive, for your own records.

Other forms in the counterclaim process

For more information about the counterclaim process, see the last page of this form. Note that you do not need to fill in Form 1 at this stage.



address for service
an address of a place in New Zealand where all documents about a claim can be taken or sent to the plaintiff or defendant

affidavit
a written statement given under oath

counterclaim
an independent claim against the person making the original claim

defendant
the person who the original claim is against. The defendant is the person who makes a counterclaim

file
to take or send documents about a claim to the court Registrar

plaintiff
the person who made the original claim. A counterclaim is against the plaintiff

serve
to take or send documents about a claim to the plaintiff's or defendant's address for service

working day
any normal weekday from Monday to Friday, unless it is one of the following public holidays: Good Friday, Easter Monday, Anzac Day, Labour Day, Queen's birthday, or Waitangi Day. As well as these public holidays, the days from Christmas Day (25 December) to 15 January do not count as working days

Who to contact if you need help
If you need help filling in this form, please talk to your lawyer, local Citizens Advice Bureau or Community Law Centre, or go to: www.justice.govt.nz/civil

Notice of pursuit of counterclaim

Further information for defendant

Who can sign this form

You can sign this form if:

- you are making the counterclaim yourself
- or
- you are authorised to sign on behalf of the defendant—for example, if a registered company, Māori incorporation, partnership, trust, estate, incorporated society or unincorporated body is making the counterclaim.

Or, you can authorise your lawyer to sign this form on your behalf.

How to serve forms, swear or affirm an affidavit, and file forms

Serving a form on a plaintiff

You must serve this notice of pursuit of counterclaim on the plaintiff before you file it at the District Court. To do this:

- complete the first 2 sections of the form
- photocopy the form
- take or send a photocopy to the plaintiff at their address for service.

Swearing or affirming an affidavit

Once you have served this notice of pursuit of counterclaim on the plaintiff, you must swear or affirm the affidavit in Section 3 to say you have served this form on the plaintiff. An affidavit is a written statement that you have sworn or affirmed is true in front of a Registrar or Deputy Registrar, Justice of the Peace, lawyer, or Judge.

For information about where you can find one of these people, go to www.justice.govt.nz/civil.

You can swear an affidavit on the Bible, or another religious book such as the Koran, or you can affirm an affidavit by solemn declaration.

It is a criminal offence to knowingly swear or affirm a false affidavit.

If you do not swear or affirm your affidavit and complete and file this form, the court cannot continue with your counterclaim.

Filing a form at court

To file Form 6CC, send or take the original form, including the sworn or affirmed affidavit, to the same District Court where the plaintiff filed Form 2, and pay the required fee.

You must also file copies of Forms 3CC, 4CC, and 5CC with Form 6CC.

For up-to-date information about the fee for filing a notice of pursuit of counterclaim, go to www.justice.govt.nz/civil.

What happens if you do not file this form within 90 working days

You must file this notice of pursuit of counterclaim no more than 90 working days after you receive Form 5CC—**Plaintiff's information capsule (for counterclaim)**. If you do not file this form within 90 working days, your counterclaim will end. You can start a new claim by filling in Form 2—**Notice of claim** and paying another filing fee.

Notice of pursuit of counterclaim

Notes for plaintiff

Why you have received this form

You have received this completed notice of pursuit of counterclaim form to tell you that the defendant will pursue their counterclaim against you in the District Court.

Pursuing a counterclaim means the defendant plans to continue with their counterclaim through the court system.

The person making the counterclaim against you is the **defendant**.

You are the **plaintiff**.

What happens next if you are the plaintiff

You do not need to fill in any more forms in this series of counterclaim forms.

The court will now appoint you a case officer. The court will send you a letter introducing your case officer and outlining the next steps in the process.

What if the defendant has sent you this form late

If the defendant has served this notice of pursuit of counterclaim on you more than 90 working days after you served Form 5CC—**Plaintiff's information capsule (for counterclaim)** on them, the defendant's counterclaim will end.

address for service

an address of a place in New Zealand where all documents about a claim can be taken or sent to the plaintiff or defendant

affidavit

a written statement given under oath

counterclaim

an independent claim against the person making the original claim

defendant

the person who the original claim is against. The defendant is the person who makes a counterclaim

file

to take or send documents about a claim to the court Registrar

plaintiff

the person who made the original claim. A counterclaim is against the plaintiff

serve

to take or send documents about a claim to the plaintiff's or defendant's address for service

working day

any normal weekday from Monday to Friday, unless it is one of the following public holidays: Good Friday, Easter Monday, Anzac Day, Labour Day, Queen's birthday, or Waitangi Day. As well as these public holidays, the days from Christmas Day (25 December) to 15 January do not count as working days

Keep a copy of this form, and any other forms you receive, for your own records.

Other forms in the counterclaim process

For more information about the counterclaim process, see the last page of this form. Note that you do not need to fill in Form 1 at this stage.

Form 2CC—**Notice of counterclaim**, filled in by the defendant

Form 3CC—**Response by plaintiff (for counterclaim)**, filled in by the plaintiff

Form 4CC—**Defendant's information capsule (for counterclaim)**, filled in by the defendant

Form 5CC—**Plaintiff's information capsule (for counterclaim)**, filled in by the plaintiff

Form 6CC—**Notice of pursuit of counterclaim**, filled in by the defendant

(this form)

Who to contact if you need help

If you need help with this form, please talk to your lawyer, local Citizens Advice Bureau or Community Law Centre, or go to:
www.justice.govt.nz/civil

This page has been left blank deliberately

Filed at: _____ File reference number (CIV): _____
Copy this information from Form 2 *Copy this information from Form 2*

▶ Section 1: Defendant's and plaintiff's details

What are your details?

1A Defendant's name

- Write your full name.
- or
- Write the name of the company, society or incorporation if the defendant is a company, society or incorporation.
- or
- Write the names of the trustees or executors if the defendant is a trust or estate.

Name: _____

1B Defendant's trading name

If the defendant in 1A above has a different trading name, write the trading name here.

Trading name: _____

1C Defendant's address for service

Write down an address of a place in New Zealand where you can receive all documents about this counterclaim.

Street address: _____

1D Defendant's postal address

If your postal address is different from the address for service you have given in 1C above, write your postal address here.

Postal address: _____

1E Defendant's contact details

Write down your phone and fax numbers and an email address if you have one.

Phone number: _____

Other phone number: _____

Fax number: _____

Email address: _____

1F Have you changed your lawyer?

If you have changed your lawyer since you filed Form 4CC—**Defendant’s information capsule (for counterclaim)**, write the new details here, including the name of their firm.

Name of your lawyer

Name: _____

Firm: _____

Contact details of your lawyer for serving forms

Street address: _____

PO Box: _____

Document exchange box: _____

Phone number: _____

Other phone number: _____

Fax number: _____

Email address: _____

What are the plaintiff’s details?

Copy this information from Form 5CC—**Plaintiff’s information capsule (for counterclaim)** (Section 1).

1G Plaintiff’s name

- Write the plaintiff’s full name.
- or**
- Write the name of the company, society or incorporation if the plaintiff is a company, society or incorporation.
- or**
- Write the names of the trustees or executors if the plaintiff is a trust or estate.

Name: _____

1H Plaintiff’s trading name

If the plaintiff in 1G above has a different trading name, write the trading name here.

Trading name: _____

1I Plaintiff's address for service

Write down the address of a place in New Zealand where you intend to serve this notice of pursuit of counterclaim on the plaintiff.

Street address: _____

1J Plaintiff's postal address

If the plaintiff's postal address is different from their address for service in 1I above, write their postal address here.

Postal address: _____

1K Plaintiff's contact details

Write down the plaintiff's phone and fax numbers and email address if they have one.

Phone number: _____

Other phone number: _____

Fax number: _____

Email address: _____

Section 2: Your signature

The counterclaim has not been settled and I will now pursue this counterclaim against the plaintiff in court. The court will decide when and where any further steps in the process occur.

I have attached copies of the following documents.

- Form 3CC—**Response by plaintiff (for counterclaim)**
- Form 4CC—**Defendant's information capsule (for counterclaim)**
- Form 5CC—**Plaintiff's information capsule (for counterclaim)**

2A

Sign the form below. Then print or type your name and address underneath your signature, or use an address stamp.

Signature of defendant:

Keep a copy of this form, and any other forms you receive, for your own records.

Full name and address: _____

Position or office held: _____

This only applies if you are signing on behalf of a registered company, trust, society, incorporation, or estate

Date: _____

Section 3: Affidavit

3A

Fill in the affidavit below, then get a Registrar or Deputy Registrar, Justice of the Peace, lawyer, or Judge to swear or affirm that your affidavit is true and sign below.

I _____
Your full name and occupation

of _____
Your address

swear an oath/solemnly and sincerely affirm that, after inquiry, to the best of my knowledge and belief:

Form 2CC—**Notice of counterclaim** was filed at _____ District Court
Name of District Court

on _____
Date you filed Form 2CC

Form 2CC—**Notice of counterclaim** was served on the plaintiff

on _____
Date you served Form 2CC

Form 5CC—**Plaintiff’s information capsule (for counterclaim)** was served on me (the defendant)

on _____
Date the plaintiff served Form 5CC

Form 6CC—**Notice of pursuit of counterclaim** (this form) was served on the plaintiff

on _____
Date you served this form

Sworn/affirmed at _____ this _____ day of _____
Place Day of month Month and year

by _____, before me _____,
Defendant’s name Name of person administering oath or affirmation

Designation (for example, Deputy Registrar of the District Court at Christchurch)

Signature of person administering oath or affirmation:

More information about the counterclaim process

The counterclaim process involves a series of forms requesting information. Some forms are for the plaintiff to fill in and some are for the defendant. All the forms in the process are listed on the first page of this form.

You can find out more about the counterclaim process at www.justice.govt.nz/civil.

Why do you have to go through this process?

By going through the counterclaim process, you might be able to settle the counterclaim without going through the court system.

If you go through the counterclaim process and don't settle the counterclaim, the court will then have an accurate record of all the facts of the counterclaim from both the plaintiff and the defendant.

It is important that you keep your own copies of all the forms you send or receive.

If you are the plaintiff, you do not need to file any counterclaim forms at court.