Form 99

Rule 34.69 Note 1

Certificate of non-compliance with subpoena (New Zealand)

No.       of 20

Federal Court of Australia

District Registry: [State]

Division: [Division]

**[Name of First Applicant]** [if 2 or more add "and another" or "and others"]

Applicant[s]

**[Name of First Respondent]** [if 2 or more add "and another" or "and others"]

Respondent[s]

To the High Court of New Zealand

The Federal Court of Australia, respectfully requests that you exercise your powers under section 16 of the *Evidence Amendment Act 1994 (New Zealand)* in relation to non compliance by [person named in subpoena] with a subpoena issued by the Federal Court of Australia and for which leave to serve in New Zealand was given by the Federal Court of Australia under the *Trans-Tasman Proceedings Act 2010* on [insert date of leave].

A copy of the subpoena and a copy of the order giving leave to serve in New Zealand are annexed to this certificate.

[\*either]No application to set aside the subpoena either wholly or in part has been made.

[\*or]An application to set aside the subpoena was dismissed by order made on [insert date]. A copy of this order is annexed to this certificate.

Date:

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| Signed by an officer acting with the authority of the District Registrar |

[\* Delete if inapplicable]