

**IN THE MATTER OF AN ARBITRATION UNDER THE NEW ZEALAND
ARBITRATION ACT 1996**

BETWEEN

[NAME]

Claimant

-v-

[NAME]

Respondent

**[TEMPLATE] STATEMENT OF
CLAIM**

[Date]

Law Firm
Address
Telephone

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[insert]

1. INTRODUCTION

Statement of claim

1. This statement of claim is filed by the claimant [X] in support of its claim against the respondent [X] under [X]. This statement of claim incorporates and restates the claimant's notice of arbitration dated X.

Witness statements and supporting documents

2. This Statement of Claim is accompanied by the following:
 - a. A witness statement of [X] dated [X]
 - b. An expert report from [X] of [X] dated [X] as to [X]
 - c. Exhibits numbers C-1 to C-X and Authorities numbers CA-1 to CA-X.
 - d. [Appendices X, including a chronology, dramatis personae etc]

Structure of this Statement of Claim

3. The structure of this Statement of Claim is as follows:
 - a. List the structure together with a one sentence summary of what the section addresses.

2. EXECUTIVE SUMMARY

4. Summarise your submission here, outlining your main claims, fact evidence, key documents and expert evidence, what you are asking from the tribunal in form of relief.

3. PROCEDURAL BACKGROUND

5. Depending on how your case has progressed to date and the "buy-in" from the respondent to the arbitration process, this might be a necessary section of your first substantive submission in the arbitration.
6. You might wish to record how the tribunal was appointed and the agreement reached at the first procedural conference. If there are particular points of contention that have not yet been resolved procedurally you may wish to mention them here.
7. If the respondent has signalled at the first procedural conference that it will take issue with the tribunal's jurisdiction or seek to hive off an issue as a preliminary objection, you could say you reserve your right to address that in future submissions.

4. FACTUAL BACKGROUND

8. Set out the key facts of your case by reference to relevant supporting documents and your witness evidence. This should read as a factual narrative that is easy for the Tribunal to understand.
9. Think carefully how this should be presented: chronologically, by issues/by underlying contracts (if there is a suite of documents) etc.

5. THE CLAIMS [MERITS/LIABILITY SECTION]

10. In this section you will present your claims by reference to both the facts and the law. You will set out your arguments on each of your causes of action and why you should prevail.
11. For example, if you are arguing an implied term, you would touch on the relevant law of implied terms, cite the key cases and then apply that to the facts before you, by reference to your fact evidence.
12. There may be issues of expert evidence here if for example, the implied term is in a particular industry or would have been market practice. You should aim to tie this all together.

6. DAMAGES (OR OTHER RELIEF SOUGHT, EG RESTITUTION, SPECIFIC PERFORMANCE ETC)

13. You might wish to have a separate section on damages – or deal with damages following each cause of action. Regardless, you should explain the legal basis for your claim for damages / test for damages by reference to the legal authorities and then rely on your expert evidence to show what the quantum of your claim is.
14. If you are seeking some other kind of relief, then you would adopt a similar approach.

7. RELIEF SOUGHT

15. You should summarise what you want from the tribunal at the end of your submission.
16. For example, the claimant seeks the following relief:
 - a. A declaration that it was an implied term of the contract that [X]
 - b. A declaration that respondent has breached that implied term and breached the contract.
 - c. An order that the respondent pay the claimant damages in the amount of [X].
 - d. interest in the amount of [X].
 - e. an order that the respondent pay the costs of the proceedings, including the costs of the tribunal as well as the legal and other expenses incurred by the claimant, including but not limited to the fees of their legal counsel, experts and consultants on a full indemnity basis, plus interest at a reasonable rate to be determined by the tribunal;
 - f. any other relief the tribunal may deem appropriate in the circumstances.

Respectfully submitted.

Dated [X]

Signature

[Names]