

services and it's the \$200,000 that's still claimed.

The pleading analysis of the Tylden Road proceeding shows that - in particular para 20 that I took you to - shows that the subject matter includes actions said to be unlawful on the part of the council, that's what para 21 says, in respect of events in para 20, including the sealing and lodging of the plan of subdivision and that sealing and lodging of the plan of subdivision caused the same loss as is now sought to be claimed.

I should say and I don't think I mentioned this earlier, that in respect of the Tylden Road proceeding, the current Tylden Road claim also makes an allegation that the council included a condition on one lot of plans of subdivision but didn't carry it forward to the next one and it's not the same plan of subdivision. There's sort of a little twist on additional aspect of the council's wrongful behaviour, but the plan of subdivision that's been complained of in the first place as being sealed by the titles office, is the same one that's relied on here.

There's an additional fact put forward saying you shouldn't have broken it up into more than - it should've been one plan and not a whole series of little plans to get around the Sale of Land Act provisions.

But it's the same plan of subdivision that is relied upon and the loss we say is the same and the events the same so we say it's the same subject matter and the reference to subject matter is more than wide enough to release the council from

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