

EDITORIAL NOTE: CHANGES MADE TO THIS JUDGMENT APPEAR IN [SQUARE BRACKETS].

**IN THE DISTRICT COURT  
AT HAMILTON**

# I TE KŌTI-Ā-ROHE KI KIRIKIRIROA

CIV-2018-019-001408  
[2018] NZDC 25363

IN THE MATTER OF HARMFUL DIGITAL  
COMMUNICATIONS ACT 2015

AND IN THE MATTER OF AN APPLICATION BY

BETWEEN [HAYDEN CASEY]  
Applicant

AND [LUCIA CASEY]  
Defendant

Hearing: On the papers

Appearances: On the papers

Judgment: 6 December 2018

## **DECISION OF JUDGE D J McDONALD**

[1] The applicant applies without notice for an order pursuant to s 19(1)(b) of the Act that the defendant refrain from the conduct complained of and not do it again.

[2] The conduct complained of is that the defendant has breached principle 5 of the communication principles set out in s 6 of the Act by harassing him. It is alleged that the defendant has harassed the applicant by hacking his email accounts, changing passwords, and changing security question answers.

[3] The applicant has lodged a complaint with the Police regarding the alleged actions of the defendant.

[4] The applicant advises that he and the defendant were in a relationship for seven years but are now separated. They are currently involved in proceedings in the Family Court.

[5] The first issue for determination is whether or not this application should continue on a without notice basis, or should proceed on notice. Relevant to that issue is the fact that there is an outstanding proceeding in the Family Court involving the parties, and that the Police are also investigating the allegations of criminal behaviour. In those circumstances, the Court considers that a person's right to be heard in regard to allegations being made against them is paramount.

[6] Furthermore the applicant has available to him appropriate security measures to ensure the security and integrity of his digital communications.

[7] In all the circumstances this application should proceed on notice and there is a direction accordingly.

D J McDonald  
District Court Judge