

COURT OF APPEAL FIXTURE LIST – MAY 2024

Session Week: Monday 6 May to Friday 10 May

Date	Permanent Court, Wellington Courtroom 1	Permanent Court, Wellington Courtroom 2
Monday 6 May		
Tuesday 7 May	<p>Court: French J, Courtney J, Katz J</p> <p><u>CA32/2023</u> Legal Services Commissioner (D Stephens, L M Hansen) v Mauha Huatahi Fawcett (C W Stevenson, K H Cook) Churchman J [2022] NZHC 3366 <i>Whether "legal and admin" falls within the definitions of "legal aid services" in the Legal Service Act 2011</i></p>	
Wednesday 8 May	<p>Court: Mallon J, Collins J, Wylie J</p> <p><u>CA172/2023</u> Manaia Media Limited & Ors (F A King, W Akel) v Kristin Pia Cato (S Mills KC, R D Butler, E D Nilsson) Robinson J [2023] NZHC 385 <i>Whether defamatory statements justified and whether jury award of damages excessive.</i></p>	
Thursday 9 May	<p>Court: Courtney J, Katz J, Cooke J</p> <p><u>CA227/2023</u> Television New Zealand Limited & Anor (D M Salmon, E D Nilsson, K Hursthouse) v Talley's Group Limited & Ors (B H Dickey, W R Potter, M T Davies, J Gibson) Gardiner AJ [2022] NZHC 696 <i>Challenge to striking-out of a pleading that the respondent's existing reputation was so bad that the alleged defamatory publications could cause them no more than minor harm.</i></p> <p><u>CA553/2022</u> The Chief Executive of the Ministry of Business, Innovation and Employment (G La Hood, K Radich) v Hairland Holdings Limited (T Cleary) Judge K G Smith [2022] NZEmpC 169 <i>Jurisdiction of Employment Court to declare that an alleged employer's workers are not employees for purposes of the Employment Relations Act.</i></p>	
Friday		

COURT OF APPEAL FIXTURE LIST – MAY 2024

Circuit Week: Monday 13 May to Friday 17 May

Date	Divisional Court – Wellington, Courtroom 1 Court: French J, Muir J, Campbell J	Divisional Court – Auckland, Courtroom 2 Court: Thomas J, Fitzgerald J, Osborne J	Divisional Court – Dunedin, Courtroom 1 Court: Mallon J, Lang J, Moore J
<p>Monday 13 May</p>	<p><u>CA517/2023</u> Jino MAKATEA (G H Vear, A P Dye) v The King Conviction – 9 Years Imprisonment Hobbs DCJ</p> <p><u>CA359/2023</u> Brendan HAWKINS (E A Hall) v The King Conviction and sentence – 2 years 6 months 15 days imprisonment Snell DCJ</p> <p><u>CA670/2023</u> A (K R Pascoe) v The King Sentence – 7 years and 6 months imprisonment Greig DCJ</p> <p><u>CA648/2023</u> D (M Mcghie) v The King Sentence – 3 years imprisonment Marinovich DCJ</p> <p><u>CA38/2024</u> Tema Wiremu RATANA (S R Lack) v The King Sentence – 7 years imprisonment Hikaka DCJ</p>	<p><u>CA467/2022</u> Cornelia Friederike Maria Wyllie and Abigail Jutta Latham (H L Thompson) v Timothy Richard Firmin (S J Iorns) Sussock AJ [2022] NZHC 1994 <i>Costs appeal.</i></p> <p><u>CA193/2023</u> Stewar Singh Jabbara (In Person) v Southern Cross Benefits Limited (T Utama, C M Brick) Jagose J [2023] NZHC 623 <i>Appeal from High Court decision declining to transfer proceedings from the District to the High Court.</i></p> <p><u>CA631/2023</u> Aaron Peter Coupe (In Person) v Power Painters Limited (No Appearance) R29A Application for extension of time for appeal Bell AJ</p>	<p><u>CA387/2023</u> H (A Stevens KC) v The King Sentence – 2 years 9 months imprisonment; \$5,000 emotional harm reparation Robinson DCJ</p> <p><u>CA503/2022</u> Stephen WESSELINGH (In Person) v New Zealand Police Conviction and Sentence – Fine: \$750.00, Court Costs: \$130.00 Turner DCJ, Doogue J</p>
<p>Tuesday 14 May</p>	<p><u>CA585/2023</u> Brenda Ann Boughen (T G H Smith, H Z Yang, A R Davie) v Phillipa Dale Wrenn, Matthew Nigel Wrenn and John Baird Campbell as Trustees of the Phillipa Wrenn Family Trust (P H Bremer, S Howard-Brown) Gendall J [2023] NZHC 2494 <i>Whether agreement for sale and purchase of land affected by common mistake as to nature and extent of damage to roof structure.</i></p>	<p><u>CA486/2023</u> OHL Limited (J D McBride, N Wilson) v Premier Property Developments Limited (S Wroe, G R Grant, B M Foster) Jagose J [2023] NZHC 1962 <i>Counterclaim for setoff against purchase price; effect of representations, damages.</i></p> <p><u>CA436/2023</u> Jianping Wang & Anor (G D Simms, S J Macintosh) v Guangzhou Dongjiang Petroleum Science & Technology Development Company Limited & Anor (J Strauss, J Choi) Peters J [2023] NZHC 1078 <i>Appeal from High Court decision declining to vary interim charging order.</i></p>	<p><u>CA722/2022</u> M (J E Carruthers) v The King (R K Thomson) Conviction and Sentence – 4 Years 6 Months Imprisonment Robinson DCJ</p> <p><u>CA656/2023</u> Eugene Anthony GREENDRAKE (In person) v Wayne Alexander MCCONNOCHIE (Abiding) Costs – \$1,000 costs awarded to the Respondent Osborne J [2023] NZHC 1414</p> <p><u>CA674/2023</u> S (J A Westgate) v The King Sentence – 5 years and 7 months imprisonment Turner DCJ</p>

Date	Divisional Court – Wellington, Courtroom 1 Court: French J, Muir J, Campbell J	Divisional Court – Auckland, Courtroom 2 Court: Thomas J, Fitzgerald J, Osborne J	Divisional Court – Dunedin, Courtroom 1 Court: Mallon J, Lang J, Moore J
Wednesday 15 May	<p><u>CA229/2023</u> William Thomas ATKINSON (D Allan) v The King Application for an Extension of time to appeal Conviction – Preventive Detention Nicholson J Appeal against sentence in 537/99 dismissed on 25 May 2000 – Henry J, Robertson J, Cartwright J</p> <p><u>CA525/2022</u> Matiu Robin HETA (M J James) v The King (H G Clark) Conviction and Sentence – 11 years 10 months Harvey DCJ</p> <p><u>CA685/2023</u> Quinton Waiati OHLSON (J M Grainger) v The King Sentence – 7 years imprisonment with minimum non-parole period of 50% Crosbie DCJ</p>	<p><u>CA681/2023</u> The Federated Mountain Clubs of New Zealand Incorporated (M C Smith) v Griffin Creek Hydro Limited & Ors (M C Wright, R A Elvin, S R Gepp, R M Fistonich, C A Morice) Gordon J [2023] NZHC 2917</p> <p><u>CA270/2023</u> S (R M Mansfield KC) v The King Conviction – 7 years 10 Months' imprisonment Mabey DCJ</p> <p><u>CA129/2024 – 45 mins</u> M (J W Howell) v The King Bail La Hood J</p>	<p><u>CA537/2023</u> Tom Peter Andreas Wiel Welo & Anor (G M Sandelin, E D Nilsson, E F Armstrong) v Mason & Wales Architects Limited (S Caradus, C J Shannon) Lester AJ [2023] NZHC 2308 <i>Appeal from High Court judgment entering summary judgment on liability.</i></p> <p><u>CA252/2023</u> T (J D Lucas) v The King Conviction and Sentence – 8 years and 10 months imprisonment Bonnar DCJ</p> <p><u>CA494/2023</u> S (A M Williams) v Chief Executive of the Department of Corrections Extended Supervision Order – 5 Years Extended Supervision Gilbert DCJ</p>
Thursday 16 May	<p><u>CA148/2023</u> Orion Marine Limited & Ors (H G Holmes) v Sealegs International Limited (G F Arthur KC, S J Goodwin) Sussock AJ [2021] NZHC 3207 <i>Action an undertaking on to damages = whether defence of alleged patent infringement ought to have been struck out.</i></p>	<p><u>CA667/2023</u> Tanya Felicity Dunstan (In Person) from CIV-2023-404-2332 Intervener: Attorney-General (D Neild) Brewer J [2023] NZHC 3176</p> <p><u>CA329/2023</u> H (G H Vear, E E McClay) v The King Conviction and Sentence – 3 years imprisonment and \$1000 reparation Jelas DCJ; Fitzgibbon DCJ</p> <p><u>CA694/2023</u> W (M J Taylor-Cyphers) v The King Sentence – 3 years imprisonment Bennett C DCJ</p>	<p><u>CA291/2023, CA299/2023 & CA309/2023 (to be heard together)</u> <u>CA291/2023</u> Layne Brent FORD (A J Bailey) v The King Conviction and Sentence – 6 years and 4 months imprisonment</p> <p><u>CA299/2023</u> Dylan Lewis WHEELER (K H Cook) v The King Conviction and Sentence – 6 years and 4 months imprisonment</p> <p><u>CA309/2023</u> Thomas Gary MARSHALL (E Huda) v The King Conviction and Sentence – 6 years and 4 months imprisonment O'Driscoll DCJ</p>
Friday			

COURT OF APPEAL FIXTURE LIST – MAY 2024

Circuit Week: Monday 20 May to Friday 24 May

Date	Divisional Court – Wellington, Courtroom 1 Court: Collins J, Churchman J, Osborne J	Divisional Court – Auckland, Courtroom 1 Court: Wylie J, Lang J, Campbell J	Divisional Court – Auckland, Courtroom 2 Court: Courtney J, Muir J, Cull J
<p>Monday 20 May</p>	<p><u>CA611/2023</u> Timothy Earl Swanwick (S J Webster) v Edward Anthony Bostock as sole executor and trustee of the Estate of Kenneth Earl Swanwick (Deceased) & Anor (A R Fanning, R Philip) Johnston AJ [2023] NZHC 1600 <i>Appeal from High Court decision declining to extend the time for a claim against an estate under the Law Reform (Testamentary Promises) Act 1948.</i></p>	<p><u>CA522/2023</u> Barry Michael MYLCHREEST (M James) v The King Conviction – Three years and seven months imprisonment Marshall DCJ</p> <p><u>CA504/2023</u> Wayne CLARKE (J J Rhodes) v The King Sentence – 5 years and 1 month imprisonment Maxwell DCJ</p> <p><u>CA256/2023</u> Peter Malcolm Fuller (In Person) v District Court Judge L Tremewan (No Appearance) Jagose J [2023] NZHC 959 <i>Appeal from High Court decision striking out judicial review application as an abuse of process.</i></p> <p><u>CA397/2023</u> Allan Geoffrey Halse (In person) v Rangiuira Trust Board And Ors (M Robertson, S M Pasley, V Wethey, R H Anderson) Moore J [2023] NZHC 1519 <i>Appeal from order made by High Court under s166 of the Senior Courts Act 2016, preventing the appellant from bringing proceedings on certain matters without leave.</i></p>	<p><u>CA757/2023</u> Kenneth David Wikeley (in person) v Kea Investments Limited & Ors (J B Smith KC, M D Arthur, J L Wass, M C Harris, S T Coupe, M C Smith) Gault J [2023] NZHC 3260</p>
<p>Tuesday 21 May</p>	<p><u>CA42/2020</u> Benjamin Harry TIMMINS (In Person) v The King Counsel to Assist the Court: V Nisbet Conviction – 11 months home detention, \$1,540 reparation Spear DCJ</p>	<p><u>CA265/2023 and CA433/2023 (to be heard together)</u> Boon Gun Hong and Anor (In person) v Douglas Murray Kinnon and Avryl Margaret Kinnon as trustees of the Cedar Lodge Trust And Ors (M C Nicholls) Jagose J [2023] NZHC 1052 <i>Appeal from judgment declaring property is held in trust and appellant is liable for fraudulent transfer. Whether judgment ought to have been entered by formal proof. Whether counterclaims ought to have been dismissed in separate judgment.</i></p>	<p><u>CA623/2023</u> The King (B H Dickey) v Peter Alan HARRIS & Anor (R S Reed KC, D P Jones KC, D M Salmon KC, C Morris, S E Cameron, J P Cundy, B Z Shen) Question of Law Robinson J</p> <p><u>CA424/2023</u> Adam Rapirapi MAHARA (S McKenna) v The King Conviction Crayton DCJ</p> <p><u>CA503/2023</u> E (S R Lack) v The King (E J Hoskin) Pre-trial ruling Hikaka DCJ</p>

Date	Divisional Court – Wellington, Courtroom 1 Court: Collins J, Churchman J, Osborne J	Divisional Court – Auckland, Courtroom 1 Court: Wylie J, Lang J, Campbell J	Divisional Court – Auckland, Courtroom 2 Court: Courtney J, Muir J, Cull J
<p>Wednesday 22 May</p>	<p><u>CA211/2022</u> Scott Simeon THOMPSON (N Levy KC) v The King Conviction and sentence - Preventive detention with an MPI of 7 years Ellis J</p>	<p><u>CA779/2023</u> Gary Keith Hannam & Anor (G B Lewis, S N Zellman, D R Bigio KC) v Body Corporate 126001 & Ors (E D Nilsson, T J Allan, K Calder, J B Orpin-Dowell) Gordon J [2023] NZHC 3604</p>	<p><u>CA349/2023</u> David EDMONDS (J B Wickliffe) v The King Sentence and Conviction – Seven and a half years imprisonment McDonald DCJ</p> <p><u>CA491/2023</u> Deepesh Daniel DATT (P K Hamlin) v The King Conviction and sentence - 6 months community detention, 12 months supervision Sellars DCJ</p> <p><u>CA769/2023</u> L (V J Feyen) v The King Suppression Jagose J</p> <p><u>CA711/2023</u> W (P L Murray, C Stevenson) v The King Pre-trial ruling: Admissibility of Evidence CPA s101 Gwyn J</p> <p><u>CA121/2024</u> B (E P Priest) v The King Suppression Woolford J [2024] NZHC 95</p>
<p>Thursday 23 May</p>	<p><u>CA125/2024</u> B (N M Dutch) v The King Bail Walker J</p> <p><u>CA204/2023</u> T (N Levy KC) v The King Conviction and Sentence – 14 years imprisonment Collins DCJ</p> <p><u>CA514/2023</u> R (N Levy KC) v The King Conviction and Sentence – 12 Years Imprisonment Sainsbury DCJ</p> <p>Divisional Court – Wellington, Courtroom 1 Court: Cooper P, Churchman J, Osborne J</p> <p><u>CA6/2024</u> The King v F (A D Hill) Pre-trial ruling: Admissibility of evidence Hollister-Jones DCJ</p>	<p><u>CA779/2023</u> Gary Keith Hannam & Anor (G B Lewis, S N Zellman, D R Bigio KC) v Body Corporate 126001 & Ors (E D Nilsson, T J Allan, K Calder, J B Orpin-Dowell) Gordon J [2023] NZHC 3604</p> <p><u>CA474/2023</u> Adam William COOPER (G H Vear) v The King Conviction and Sentence – 3 months Home Detention Rowe DCJ</p> <p><u>CA559/2023</u> Anthony Charles NETZLER (H G De Groot, R H Hohaia) v The King Sentence – 15 years and 7 months imprisonment Harland J</p>	<p><u>CA556/2023</u> W (H G de Groot) v The King Conviction – 7 years 4 months imprisonment Mabey DCJ</p> <p><u>CA127/2024</u> P (R M Mansfield KC, Z Burrows) v The King Pre-Trial Ruling Lang J</p> <p><u>CA124/2024</u> S (M J Smit) v The King Application for leave to bring a second appeal Suppression Callaghan DCJ, Preston J</p>
<p>Friday</p>			

COURT OF APPEAL FIXTURE LIST – MAY 2024

Session Week: Monday 27 May to Friday 31 May

Date	Permanent Court, Wellington Courtroom 1	Permanent Court, Wellington Courtroom 2
Monday 27 May		
Tuesday 28 May	<p>Court: Katz J, Mallon J, Ellis J</p> <p><u>CA165/2023</u> Movement (S R Gepp, L S Acland, Q A Davies) v Waka Kotahi New Zealand Transport Agency & Anor (V L Heine KC, H Fong, T D Smith, N De Lautour) Grice J [2022] NZHC 342 <i>Judicial Review of funding for national land transport programme on climate change grounds.</i></p>	
Wednesday 29 May	<p>Court: Katz J, Mallon J, Ellis J</p> <p><u>CA165/2023</u> Movement (S R Gepp, L S Acland, Q A Davies) v Waka Kotahi New Zealand Transport Agency & Anor (V L Heine KC, H Fong, T D Smith, N De Lautour) Grice J [2022] NZHC 342 <i>Judicial Review of funding for national land transport programme on climate change grounds.</i></p>	
Thursday 30 May	<p>Court: Cooper P, French J, Collins J</p> <p><u>CA87/2023</u> Tony James Sofus Pascoe (In Person) & Anor v Minister of Land Information (R L Roff, K F Gaskell, S Eldridge) Grice J [2022] NZHC 3173 <i>Appeal from High Court determination of preliminary issues relating to taking of land owned by the appellants, under the Public Works Act 1981.</i></p> <p><u>CA412/2023</u> Barrie John WILLIAMS (N P Bourke) v New Zealand Police Sentence – 8 months imprisonment Greig DCJ, Palmer J</p>	
Friday		