PUBLIC ACCESS:

The Court of Appeal COVID Protocol was rescinded on 21 August 2023. However, if you are unwell, you are encouraged not to attend Court. If you are required to attend Court, please contact the Registry to discuss alternative arrangements.



DISCLAIMER:

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This List has been published as at Wednesday 16 October 2024.

However, this list may change significantly after the date of publication and may not reflect the Court's business on any given date. Therefore, this List is intended as a GUIDE ONLY.

Enquiries:

Please contact the Court by phone on: (04) 914 3540 or by email: courtofappeal@justice.govt.nz between 9am and 5pm on weekdays (excluding public holidays and dates the Court is closed).

Locations:

The Court of Appeal is located at: <u>54 Molesworth St, Thorndon, Wellington</u>. The Court also sits at the following High Courts (however, please note that all documents must be sent to the Court at the above Wellington address):

Auckland High Court (Historic Building) – 24 Waterloo Quadrant, Auckland

Wellington High Court – 2 Molesworth Street, Wellington

Christchurch High Court (Justice Precinct) – 20 Lichfield Street, Christchurch

Dunedin High Court – <u>1 Stuart Street, Dunedin</u>

Sitting Hours:

The Court typically sits between 10am and 4pm with adjournments *roughly* from 11:30am – 11:45am and 1pm – 2:15pm. There is no afternoon adjournment. Sitting hours and adjournments <u>may be adjusted</u> as required and <u>may change at short notice</u>.

Lower Court Judgments cited in this list may be found at the following links (if publicly available):

Senior Courts Judgments of Public Interest: https://www.courtsofnz.govt.nz/judgments/

District Court of New Zealand: https://www.districtcourts.govt.nz/

Judicial Decisions Online: https://www.justice.govt.nz/courts/decisions/jdo/

New Zealand Legal Information Institute (NZLII): http://www.nzlii.org/databases.html#nz cases

Court types:

Full Court – A Court of five Court of Appeal Judges. See <u>s50 and s51 of the Senior Courts Act 2016</u>

Permanent Court – A Court consisting of three Court of Appeal Judges. See <u>\$48(1)(a)\$ of the Senior Courts Act 2016</u>

Divisional Court – A Court typically consisting of one Court of Appeal Judge and two High Court Judges. See \$48(1)(c) and \$52 of the Senior Courts Act 2016

For more information regarding Court types please see: https://www.courtsofnz.govt.nz/the-courts/court-of-appeal/how-cases-are-heard/

Wednesday, 16 October 2024

Date	Divisional Court – Auckland, Courtroom 1 Court: Ellis J, Peters J, Muir J	Divisional Court – Auckland, Courtroom 2 Court: Katz J, Dunningham J, Powell J	Divisional Court – Christchurch Court: Cooke J, Fitzgerald J, Jagose J
Monday 4 November (Marlborough Anniversary Day)	CA310/2024 Simon Leo Andrew, Jodie Ann Margaret Andrew and Nicholas Independent Trustee Co Ltd (C T Walker KC, A J Thorn, M Heasley) v Sidwell Developments Limited Partnership (A S Ross KC, Y J Lee, R W Harris) Brewer J [2024] NZHC 899 Appeal from High Court judgment extinguishing restorative covenant and declining to order compensation for that extinguishment.	CA23/2024 Glenn Norrie FERGUSON (R B Keam) v The King Conviction – 9 Months Supervision, 200 Hours Community Work, 6 Months Community Detention de Ridder DCJ CA641/2023 L (M J English, C J Bernhardt, J G Jones) v The King Sentence – 21 years' imprisonment Earwaker DCJ	CA646/2023 Jiantao Bi (R A Hearn) v Chao Zhang (J V Ormsby, J M Ballinger) Osborne J [2023] NZHC 2736 Appeal from High Court judgment dismissing claim under s174 Companies Act 1993 (unfairly prejudicial context)
Tuesday 5 November (Parihaka Day)	CA674/2022 Anthony Daryl HOYLE (L C Ord, E T Blincoe) v The King Conviction and Sentence – 6 Years 4 Months 14 Days Imprisonment Northwood DCJ CA333/2024 Faka'Anauakiokalaui LATU (W D Mckean) v The King Conviction and Sentence – 3 years 3 months imprisonment McDonald DCJ CA119/2024 Vin Tomar (In Person) v Monika Khatri (No Appearance) Downs J, Minute dated 1 February 2024 Appeal of High Court decision declining to provide the appellant with transcripts of certain hearings.	CA625/2023 & CA659/2023 (to be heard together CA625/2023 Peter HADEN (M J Taylor-Cyphers) v The King Conviction and Sentence – 13 years imprisonment CA659/2023 Nikki Alexander FRANK (In Person) (S Brickell) v The King Conviction and Sentence – 14 years imprisonment with a minimum period of imprisonment of 7 years van Bohemen J CA324/2023 David Allen FALAMOE (G H Vear, E E McClay) v The King Conviction and sentence - 13 years imprisonment, minimum period of imprisonment 5 years 6 months Cooke J CA263/2024 M (R M Mansfield KC) v The King Suppression Brewer J	CA337/2023 Cory FELL (L M Drummond) v The King Conviction – 8 years 6 months imprisonment Farish DCJ CA390/2024 R (H V Bennett) v The King (IR Murray) Sentence – 7 years imprisonment Rielly DCJ CA563/2023 Heber Kure WATSON (A J Mckenzie) v The King Conviction – 5 Years, 7 Months Imprisonment Dunningham J CA531/2024 Nicholas Alexander MACDONALD (K J Beaton KC) v The King Sentence – 5 years 2 months' imprisonment & Final Protection Order Hunt DCJ CA17/2024 Malcolm Wayne CAMPBELL (In Person) v The King Application for leave to bring a second appeal against Conviction and Sentence – 2 years 11 months imprisonment Kellar DCJ, Eaton J [2023] NZHC 3726

Date	Divisional Court - Auckland, Courtroom 1	Divisional Court – Auckland, Courtroom 2	Divisional Court – Christchurch, Courtroom
	Court: Ellis J, Peters J, Muir J	Court: Katz J, Dunningham J, Powell J	Court: Cooke J, Fitzgerald J, Jagose J
Wednesday 6 November	CA244/2024 M (R Barnsdale) v The King Conviction and Sentence – 13 years 7 months imprisonment Crayton DCJ CA529/2024 Gary Stephens DAVIES (N P Bourke) v The King Conviction and Sentence – 3 and a half months Home Detention Crosbie DCJ CA409/2024 Tony John LOOKER (N P Bourke) v The King Sentence – 5 Years 6 Months Imprisonment Greig DCJ CA622/2024 G v The King Bail Tahana J [2024] NZHC 2440	CA476/2024 The King v W (P B McMenamin) Question of Law Hix DCJ CA443/2024 Michael George MEAD (R A Barnsdale) v The King Conviction – 9 months home detention Saunders DCJ CA711/2023 W v The King (N M Graham, M J Phelps) v The King Pre-trial ruling: Admissibility of Evidence CPA s101 Gwyn J	CA2/2024 Fritz Edmond PETERSEN (S A Saunderson-Warner) v The King Conviction and Sentence – 8 years imprisonment Ruth DCJ CA111/2024 Artemis Indigo Delilah Davis (In Person) v David P Robinson (No Appearance) Dunningham J Appeal from decision striking out High Court proceeding as an abuse of process.
Thursday 7 November	CA328/2024 Christopher Charles STREET (T D Clee) v The King Conviction and Sentence – 6 months community detention and 12 months supervision with special conditions Patel DCJ CA389/2024 Whitiaua ROPITINI (J D Munro) v The King Conviction – 6 months home detention MacKenzie DCJ CA323/2024 Daniel Atuia NATUA (S Withers, V I Tava) v The King Sentence – 6 years 6 months imprisonment Jelaš DCJ CA537/2024 John Garry DAVIDOFF (C T Patterson) v The King Sentence – 9 months imprisonment Collins DCJ	CA722/2023 Jesse THOMPSON (I A Jayanandan) v The King Conviction – 6 months community detention, 100 hours community work, and 9 months supervision Davidson DCJ CA258/2024 Tahj Mahalia OLDHAM (S Withers, V I Tava) v The King Sentence – 31 months imprisonment Skellem DCJ CA364/2024 Aaron Aromoana TE WHATA (E P Priest) v Chief Executive of the Department of Corrections Extended Supervision Order: 5 years Extended Supervision Order Brewer J CA589/2024 Kimela PIUKANA (P K Hamlin) v The King Conviction and sentence – 7 months Home Detention Wilkinson-Smith J	CA289/2024 Cesar Alejandro CARBONELL-LEON (B P Kilkelly) v The King Conviction – 12 months' imprisonment Robinson DCJ CA661/2023 Robert GARRIOCK (AMS Williams) v The King Conviction and Sentence – 5 years imprisonment Kellar DCJ CA421/2024 W (A M McCormick) v The King Conviction, sentence, and suppression – 18 years imprisonment with an MPI of 9 years Ruth DCJ
Friday			

Date	Divisional Court – Wellington, Courtroom 1	Divisional Court – Auckland, Courtroom 1	Divisional Court – Auckland, Courtroom 2
	Court: Collins J, Dunningham J, Powell J	Court: Thomas J, Peters J, Muir J	Court: Courtney J, Cull J, TBA J
Monday 11 November	CA133/2024 Gaming Machine Association of New Zealand Incorporated (M Smith, J W True) V Feed Families Not Pokies Aotearoa Incorporated & Ors (M J McKillop, S P Conway, C P Browne, A G Emanuel, R M Fistonich) Palmer J [2024] NZHC 217 Can "pokie machine" venues be relocated without the consent of the relevant territorial authority?	CA663/2023 Richard Mark BARRY (E A Hall) v The King Conviction and sentence – 9 years 9 months imprisonment Bergseng DCJ CA189/2024 Elijah Jamal Teua RAWIRI (J Y Yi) v The King Conviction – 6 years imprisonment Mathers DCJ CA522/2024 B (I M Brookie) v The King Sentence – 3 years 6 months imprisonment Venning J	CA432/2024 & CA433/2024 (to be heard together) CA432/2024 Mary Louise Shores (S E Russell, R Potter) v Charles Alan Howden and Withers & Co Trustee Company Limited & Anor (J Hannan, R G Ewen) CA433/2024 Mary Louise Shores (S E Russell, R Potter) v Charles Alan Howden and Withers & Co Trustee Company Limited & Anor (J Hannan) Lang J [2024] NZHC 844; [2024] NZHC 3811 Appeals from High Court decisions declining to grant leave to adduce fresh evidence on appeal. CA391/2024 A (M G Robinson) v The King Conviction and Sentence and Suppression – 6 months community detention and 200 hours community work Northwood DCJ
Tuesday 12 November	CA72/2023 Neville MARRINER (G A Walsh) v The King Conviction – 7 years and 10 months imprisonment Crayton DCJ CA514/2023 Brendon Munro RIMENE (N Levy Kc) v The King Conviction and Sentence – 12 Years Imprisonment Sainsbury DCJ CA388/2024 Jacob Karl LAUGESEN (J H Waugh) v The King Sentence – 10 years 9 months 14 days imprisonment Marinovich DCJ [2024] NZDC 13249 CA654/2024 E (I G Hunt) v The King Suppression Harland J	CA276/2023 Cornelis Christiaan TIMMERMAN (In Person) v The King Counsel to Assist the Court: T Epati Conviction and Sentence – 9 months supervision Lang J	CA566/2023 Drake (R S Stannard) v Drake (V A Crawshaw KC, B Jefferson) Radich J [2023] NZHC 2390 Appeal from High Court decision regarding parenting arrangements.

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Date	Divisional Court – Wellington <u>High Court</u>	Divisional Court - Auckland, Courtroom 1	Divisional Court - Auckland, Courtroom 2
	Court: Mallon J, Dunningham J, Powell J	Court: Thomas J, Peters J, Muir J	Court: Courtney J, Cull J, TBA J
Wednesday 13 November	CA437/2021 H (In Person) v The King Counsel to Assist the Court: G Allan Conviction & Sentence – 6 years and 3 months' imprisonment Butler DCJ Divisional Court – Wellington, Courtroom 1 Court: Mallon J, Dunningham J, Powell J CA174/2024 Levi James Michael WHARERAU (T Braithwaite) v The King Conviction and Sentence – 7 years imprisonment E Paul DCJ CA327/2023 The King v Jason Rex Thomas MANEY (M Bott) Sentence – Refusal to Impose Preventive Detention Harvey J	CA382/2023 & CA398/2023 (to be heard together) CA382/2023 Rong Kang (A S Butler KC, M Chen, J E M Lethbridge) v Perpetual Trust Limited And Ors (D H McLellan KC, N L Walker, F G Wilson, L C A Farmer, H D P van Schreven, J B Kaye, J W H Little, D M Hughes) CA398/2023 Tiger Alexander Brown (G M Sandelin, G J Angus, L N Milne) v Perpetual Trust Limited And Ors (D H McLellan KC, A S Butler KC, N L Walker, F G Wilson, L C A Farmer, H D P van Schreven, J B Kaye, J W H Little, J E M Lethbridge) Cooke J [2023] NZHC 1501 Challenge to High Court appointment of Perpetual Trust as administrator of estate and their conduct in that role.	CA350/2023 Alan Victor JONES (M W Ryan) v The King Application to withdraw notice of abandonment and appeal against Conviction – 10 months Home Detention & \$10,0000 reparation Maxwell DCJ CA260/2024 Milenko Joe RADICH (M J Dyhrberg KC) v The King Conviction and Sentence – 10 Years Imprisonment Wiltens DCJ
Date	Divisional Court – Wellington, Courtroom 1 Court: Mallon J, Dunningham J, Powell J	Divisional Court – Auckland, Courtroom LG1 Court: Thomas J, Peters J, Muir J	Divisional Court – Auckland, Courtroom 2 Court: Courtney J, Cull J, TBA J
Thursday 14 November	CA518/2024 K (G H Vear, C Oxnam) v The King Conviction and Sentence – 3 years 6 months' imprisonment McIlraith DCJ CA673/2023 K (E Hall) v The King Conviction and Sentence – 9 years 2 months imprisonment Bolstad DCJ	CA577/2022 Jimin HWANG (In Person) v The King Conviction & Sentence – 2 years 8 months imprisonment Hollister-Jones DCJ [2022] NZDC 17790 CA369/2024 Darren Troy COUPER (J N Olsen) v The King Conviction and Sentence – 4 Years Imprisonment Andrew J	CA650/2023 Matthew ELLIOT (N P Chisnall KC) v The King Conviction and Sentence – 5 years 6 Months Imprisonment Callaghan M DCJ
Friday (Canterbury Anniversary Day)			

Date	Permanent Court, Wellington	Permanent Court, Wellington
	Courtroom 1	Courtroom 2
Monday 18 November		
Tuesday 19 November		
Wednesday 20 November	Caso9/2023 & Caso9/2023 (to be heard together) Glenpanel Development Limited (V L Heine KC, D A Bullock, S J Humphrey, K Reid) v Expert Consenting Panel (S M Kinsler) Counsel to Assist the Court as a Contradictor: M S Smith Dunningham J [2023] NZHC 2069 Appeal from High Court decision on appeal from Expert Consenting Panel.	
Thursday 21 November	Ca425/2023; Ca426/2023 & Ca434/2023 (to be heard together) Ca425/2023 Mercury NZ Limited (J E Hodder KC, L Fraser, M G Hay) v Māori Land Court & Ors (R E Lawrie, M Smith, A T Sykes, D A Ward, J Cole, B R Arapere, M S Smith, M W Mcmenamin, B Vertongen, T Haradasa) Ca426/2023 Tuahuroa Tamati Cairns, Tohu Rangikauwhata Haa, Tauhopa Te Wano Hepi, Toriwai Rotarangi, Anthony Ralph Matara Rotarangi & Anor (M S Smith, T Haradasa, A T Sykes) v Mercury NZ Limited & Ors (J E Hodder KC, R E Lawrie, D A Ward, J Cole, L Fraser, B R Arapere, M W Mcmenamin, B Vertongen, M G Hay) Ca434/2023 Attorney General (J E Hodder KC, D A Ward, L Fraser, M W Mcmenamin, M G Hay) v Mercury NZ Limited & Ors (J E Hodder KC, R E Lawrie, M Smith, A T Sykes, D A Ward, J Cole, L Fraser, B R Arapere, M S Smith, M W Mcmenamin, B Vertongen, M G Hay, T Haradasa) Cooke J [2023] NZHC 1644 Appeal and cross appeal concerning refusal of Mercury's strike out application of the respondent's customary land claim to Waikato Riverbed land made in Māori Land Court.	Court: French J, Collins J, Hinton J CA238/2023 Spark New Zealand Trading Limited (Z G Kennedy KC, J E Standage) v Sean David Bryan (T J Rainey, B M Stainton) Associate Judge Taylor [2022] NZHC 2397 Appeal from High Court decision declining summary judgment on the basis that it was arguable that an arbitral award did not give rise to estoppels vis-a-vis the respondent. CA404/2023 The Commonwealth of Australia (M J Lillico) v B (T Epati) Decision quashing surrender order Cathcart DCJ; Ellis J [2023] NZHC 1525; [2023] NZHC 1587 Case raises relevance of impact on children in the context of extradition

Date	Permanent Court, Wellington	Permanent Court, Wellington
	Courtroom 1	Courtroom 2
Friday 22 November	Court: Katz J, Thomas J, Palmer J <u>CA425/2023; CA426/2023 & CA434/2023 (to be heard together)</u> <u>CA425/2023</u>	
	Mercury NZ Limited (J E Hodder KC, L Fraser, M G Hay) v Māori Land Court & Ors (R E Lawrie, M Smith, A T Sykes, D A Ward, J Cole, B R Arapere, M S Smith, M W Mcmenamin, B Vertongen, T Haradasa) CA426/2023 Tuahuroa Tamati Cairns, Tohu Rangikauwhata Haa, Tauhopa Te Wano Hepi, Toriwai Rotarangi, Anthony Ralph Matara Rotarangi & Anor (M S Smith, T Haradasa, A T Sykes) v Mercury NZ Limited & Ors (J E Hodder KC, R E Lawrie, D A Ward, J Cole, L Fraser, B R Arapere, M W Mcmenamin, B Vertongen, M G Hay) CA434/2023 Attorney General (J E Hodder KC, D A Ward, L Fraser, M W Mcmenamin, M G Hay) v Mercury NZ Limited & Ors (J E Hodder KC, R E Lawrie, M Smith, A T Sykes, D A Ward, J Cole, L Fraser, B R Arapere, M S Smith, M W Mcmenamin, B Vertongen, M G Hay, T Haradasa) Cooke J [2023] NZHC 1644 Appeal and cross appeal concerning refusal of Mercury's strike out application of the respondent's customary land claim to Waikato Riverbed land made in Māori Land Court.	

Date	Permanent Court, Wellington	Permanent Court, Wellington
	Courtroom 1	Courtroom 2
Monday 25 November		
Tuesday 26 November	Court: Courtney J, Cooke J, Hinton J CA30/2024 & CA95/2024 (to be heard together) ALT New Zealand Limited & Ors (N Hodson, D A Laurenson KC, L I Van Dam) v Attorney-General (H W Ebersohn, V A Howell) Churchman J [2023] NZHC 3855; [2024] NZHC 140 Appeal from High Court decision declining judicial review of regulations in relation to vaping products.	Court: Goddard J, Katz J, Ellis J CA381/2023 Stephen Lee Thaler (C L Elliott KC, C J Woodroffe) v Commissioner of Patents (S P Connolly, S Perera) Palmer J [2023] NZHC 554 Whether AI can be a creator for purpose of a patent application
Wednesday 27 November	Ca30/2024 & CA95/2024 (to be heard together) ALT New Zealand Limited & Ors (D A Laurenson KC, N Hodson, L I Van Dam) v Attorney-General (H W Ebersohn, V A Howell) Churchman J [2023] NZHC 3855; [2024] NZHC 140 Appeal from High Court decision declining judicial review of regulations in relation to vaping products.	Court: Mallon J, Palmer J, Collins J CA484/2023 Lepionka & Company Investments LTD (J Miles KC, S J Leslie) v Gibson Sheat (C L Bryant, G Luen) Cooke J [2023] NZHC 1981 Appeal from High Court decision finding that the appellant's claims against their solicitors had been settled by an oral agreement.
Thursday 28 November	Court: French J, Katz J, Collins J CA86/2023 AR (J P Miller) v Accident Compensation Corporation (J P Coates, R E Mould) Grice J [2022] NZHC 1008 Appeal pursuant to leave granted on whether a causal link existed between medical error and injury.	
Friday		