

IN THE SUPREME COURT OF NEW ZEALAND

SC 33/2014
[2014] NZSC 47

BETWEEN DAVID JOHN YOUNG AS DIRECTOR
OF SPLENDIDE STRUCTURES
LIMITED (IN LIQUIDATION)
Applicant

AND MARK GREGORY BARLTROP
Respondent

SC 34/2014

BETWEEN DAVID JOHN YOUNG AS DIRECTOR
OF DAVID YOUNG LIMITED
Applicant

AND RHYS JAMES CAIN AND BRUCE
DONALD GEMMELL AS
LIQUIDATORS OF SPLENDIDE
STRUCTURES LIMITED (IN
LIQUIDATION)
Respondents

Court: Elias CJ, McGrath and William Young JJ

Counsel: Applicant in person
A N Riches for Respondent SC 33/2014
B M Russell and K J Graham for the liquidators in SC 34/2014

Judgment: 2 May 2014

JUDGMENT OF THE COURT

The applications for leave to appeal are dismissed.

REASONS

[1] The applicant, purporting to act as a director of David Young Ltd and as a director and shareholder of Splendide Structures Ltd, seeks leave to appeal against:

- (a) an order made by the Christchurch High Court on 31 July 2013 placing Splendide Structures Ltd into liquidation; and
- (b) a judgment of Dunningham J, delivered on 14 February 2014, giving directions and making orders under s 284 of the Companies Act 1993 in relation to the liquidation of Splendide Structures Ltd.¹

[2] The applications are subject to s 14 of the Supreme Court Act 2003, which precludes the grant of leave to appeal in relation to decisions of the High Court except where the Court is satisfied that there are exceptional circumstances that justify taking the proposed appeal directly to the Supreme Court. Mr Young, however, has not engaged with s 14 at all, save perhaps for an assertion – which is incorrect – that there was no right to appeal to the Court of Appeal in relation to the judgment of Dunningham J.

[3] Accordingly, the applications for leave to appeal are dismissed.

¹ *Cain and Gemmell* [2014] NZHC 165.