

IN THE SUPREME COURT OF NEW ZEALAND

SC 94/2017
[2017] NZSC 171

BETWEEN CHRISTOPHER DUNCAN BAKER
AND KATHRYN ANN BAKER
Applicants

AND WALLACE DOUGLAS HODDER AND
ANN ADELE HODDER
First Respondents

KADD FARM LIMITED
Second Respondent

Court: Elias CJ, William Young and O'Regan JJ

Counsel: J W Maassen and S F Clark for Applicants
M E Parker and J Eckford for First Respondents

Judgment: 17 November 2017

JUDGMENT OF THE COURT

- A Leave to appeal is granted (*Baker v Hodder* [2017] NZCA 355).**
- B The approved question is whether the Court of Appeal should have heard and determined the applicants' appeal to that Court.**
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REASONS

[1] The parties' submissions should address both the question of mootness and the substantive issues that the applicants wished to have determined in the Court of Appeal. That will allow this Court to determine whether to remit the matter to the Court of Appeal for hearing or determine the substantive issues itself in the event that the appeal on the question of mootness is allowed.

Solicitors:
Cooper Rapley Lawyers, Palmerston North for Applicants
Park Cowan, Queenstown for First Respondents