

IN THE SUPREME COURT OF NEW ZEALAND

**SC 135/2016
[2017] NZSC 55**

BETWEEN

ERIC MESERVE HOUGHTON
Applicant

AND

TIMOTHY ERNEST CORBETT
SAUNDERS, SAMUEL JOHN MAGILL,
JOHN MICHAEL FEENEY, CRAIG
EDGEWORTH HORROCKS, PETER
DAVID HUNTER, PETER THOMAS
AND JOAN WITHERS
First Respondents

CREDIT SUISSE PRIVATE EQUITY
INC
Second Respondent

CREDIT SUISSE FIRST BOSTON
ASIAN MERCHANT PARTNERS LP
Third Respondent

FIRST NEW ZEALAND CAPITAL
Fourth Respondent

FORSYTH BARR LIMITED
Fifth Respondent

Hearing: 5 April 2017

Court: Elias CJ, Arnold and O'Regan JJ

Counsel: P A B Mills and G R Abdale-Weir for Applicant
A R Galbraith QC, D J Cooper and S V A East for First
Respondents (other than Mr Magill)
T C Weston QC for Mr Magill
J B M Smith QC, A S Olney and C J Curran for Second and
Third Respondents
D H McLellan QC and J S Cooper for Fourth Respondent
A C Challis and D P Turnbull for Fifth Respondent

Judgment: 2 May 2017

JUDGMENT OF THE COURT

- A** Leave to appeal is granted (*Houghton v Saunders* [2016] NZCA 493).
- B** The approved question is whether the Court of Appeal erred in dismissing the applicant's appeal.
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REASONS

[1] The approved question is worded to allow the applicant to pursue the points raised in his application for leave. We note the respondents' expressions of intention to support the Court of Appeal judgment on other grounds.

[2] Given the complexity of the issues the applicant raises, the Court would be grateful for the assistance of senior counsel at the hearing.

[3] The Court would like to set a fixture for the hearing of the appeal in the last week of July, if possible. The Registrar will liaise with counsel about both the length of the hearing and the fixture date.

Solicitors:

Wilson McKay, Auckland for Applicant

Bell Gully, Auckland for First Respondents

Russell McVeagh, Wellington for Second and Third Respondents

Fee Langstone, Auckland for Fourth and Fifth Respondents