

**IN THE SUPREME COURT OF NEW ZEALAND**

**SC 10/2006  
[2006] NZSC 10**

BETWEEN

ALAN JOHN SHIRLEY  
Appellant

AND

WAIRARAPA DISTRICT HEALTH  
BOARD  
Respondent

Court: Tipping, McGrath and Anderson JJ

Counsel: C J Hodson QC for Appellant  
M G Ring QC for Respondent

Judgment: 21 March 2006

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**JUDGMENT OF THE COURT**

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[1] The application for leave to appeal is granted.

[2] The approved ground, in terms of Rule 29, is whether the Court of Appeal should have differed from the High Court's discretionary decision.

Solicitors:  
Bartlett Partners, Wellington for Appellant  
Duncan Cotterill, Nelson for Respondent