

**IN THE SUPREME COURT OF NEW ZEALAND**

**SC 75/2009  
[2009] NZSC 108**

BETWEEN                      TOTARA INVESTMENTS LIMITED  
Appellant

AND                              CRISMAC LIMITED  
First Respondent

AND                              ULSTER LIMITED  
Second Respondent

Court:                      Tipping, McGrath and Wilson JJ

Counsel:                      C T Walker and M A Gilbert for Appellant  
P J Dale and N R Campbell for Respondents

Judgment:                      20 October 2009

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**JUDGMENT OF THE COURT**

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**A            The application for leave to appeal is granted.**

**B            The approved ground of appeal is whether the Court of Appeal  
was correct to reverse the High Court's conclusion.**

Solicitors:  
Gilbert Walker, Auckland for Appellant  
Grove Darlow & Partners, Auckland for Respondents