

IN THE SUPREME COURT OF NEW ZEALAND

SC 118/2010  
[2011] NZSC 20

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| BETWEEN | WING HUNG PRINTING COMPANY<br>LIMITED<br>First Applicant |
| AND     | ADAPT IDENTIFICATION, LLC<br>Second Applicant            |
| AND     | SHORE TO SHORE BV<br>Third Applicant                     |
| AND     | SAITO OFFSHORE PTY LIMITED<br>Respondent                 |

Court: Blanchard, Tipping and William Young JJ

Counsel: J E Hodder SC and M C Sumpter for Applicants  
S J Mills QC and R J Hollyman for Respondent

Judgment: 15 March 2011

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**JUDGMENT OF THE COURT**

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- A The application for leave to appeal is dismissed.**
- B The applicants are ordered to pay the respondent costs in the sum of \$2500.00 with all proper disbursements to be fixed if necessary by the Registrar.**

**REASONS**

[1] This application for leave to appeal raises an issue concerning the doctrine of forum non conveniens. The applicants wish to challenge the decision of the Court of Appeal conditionally dismissing their protest to the jurisdiction of the New Zealand Courts. The condition on which such dismissal was based is of no present moment. The issue which the application raises is, in general terms, capable of being one of

public and commercial importance. It is, however, our view that the present case turned in the Court of Appeal primarily on matters of fact and broad assessment. We do not consider the case raises any point of principle such as would justify the grant of leave. It would not therefore be in the interests of justice to accede to the application which must be dismissed with costs.

Solicitors:

Chapman Tripp, Auckland for Applicants

Davenports West, Auckland for Respondent