

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI

**SC 54/2018
[2018] NZSC 126**

BETWEEN

MATHIAS ORTMANN
First Applicant

BRAM VAN DER KOLK
Second Applicant

FINN HABIB BATATO
Third Applicant

AND

UNITED STATES OF AMERICA
First Respondent

DISTRICT COURT AT NORTH SHORE
Second Respondent

SC 55/2018

BETWEEN

FINN HABIB BATATO
Applicant

AND

UNITED STATES OF AMERICA
Respondent

SC 56/2018

BETWEEN

MATHIAS ORTMANN
First Applicant

BRAM VAN DER KOLK
Second Applicant

AND

UNITED STATES OF AMERICA
Respondent

SC 57/2018

BETWEEN KIM DOTCOM
Applicant
AND UNITED STATES OF AMERICA
Respondent

SC 58/2018

BETWEEN KIM DOTCOM
Applicant
AND UNITED STATES OF AMERICA
First Respondent
DISTRICT COURT AT NORTH SHORE
Second Respondent

Court: William Young, Glazebrook and Ellen France JJ
Counsel: G M Illingworth QC, P J K Spring and A K Hyde for Messrs
Ortmann and van der Kolk
A G V Rogers for Mr Batato
R M Mansfield and S L Cogan for Mr Dotcom
K Raftery QC for United States of America
Judgment: 20 December 2018

JUDGMENT OF THE COURT

- A** The applications for leave to appeal (*Ortmann v United States of America* [2018] NZCA 233, [2018] 3 NZLR 475) are granted, except to the extent set out at C below.
- B** The approved question is whether the Court of Appeal was correct to dismiss the appeals (other than the appeal in CA302/2015).
- C** To the extent that any of the applications for leave seek to challenge any refusal of leave by the Court of Appeal, they are dismissed. Leave to appeal is declined with regard to the appeal in CA302/2015.
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[1] The Registrar is instructed to set the appeals down for hearing in the first week of April.

Solicitors:

Keegan Alexander, Auckland for Messrs Ortmann and van der Kolk
Anderson Creagh Lai Limited, Auckland for Mr Dotcom
Crown Law Office, Wellington for United States of America