

**IN THE COURT OF APPEAL OF NEW ZEALAND
I TE KŌTI PĪRA O AOTEAROA**

CA92/2018

BETWEEN

NZME LIMITED
First Appellant

FAIRFAX MEDIA LIMITED
Second Appellant

STUFF LIMITED
Third Appellant

AND

COMMERCE COMMISSION
Respondent

Court: Kós P, Miller and Asher JJ

Counsel: D J Goddard QC, S C Keene, A S Butler and AJWO Lomas for
Appellants
J A Farmer QC, J D Every-Palmer QC, F J Cuncannon,
PIC Comrie-Thomson and G C Spittle for Respondent

Minute: 25 September 2018
(On the papers)

MINUTE OF THE COURT

[1] In accordance with the procedure recommended by counsel,¹ the full judgment of the Court on this appeal is being delivered to counsel and solicitors of record at the same time as this minute is being released publicly.

[2] The full judgment is subject to confidentiality orders dated 31 July 2017. A redacted version of the judgment will be publicly released once counsel have had the opportunity to be heard as to what confidential information should be deleted from the judgment to preserve confidentiality.

¹ Described in emails of 13 and 24 September 2018 from Russell McVeagh to the Registrar. The confidentiality orders are varied to the extent necessary to permit disclosure to the persons named in these emails.

[3] Counsel should advise the Registrar by mid-day on 26 September 2018 of any proposed amendments to the judgment's treatment of confidential information. They should bear in mind that the Court has used aggregate figures and takes the view that the judgment must impart a sense of scale to the reader.

[4] In this minute we record the formal orders made by the Court which are as follows:

A The appeal is dismissed.

B The appellants are jointly and severally liable to pay the respondent costs for a complex appeal on a band B basis and usual disbursements. We certify for second counsel.

Miller J
for the Court