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**During the Level 1 COVID-19 alert, public access restrictions apply. Persons present in a courtroom and courthouse should register their attendance by using the Court's QR code. All persons in a courtroom and courthouse MUST observe hygiene and social distancing requirements. You may elect to wear a mask and gloves.**

**For further information, please refer to the latest and/or relevant Protocol: <https://www.courtsofnz.govt.nz/publications/announcements/covid-19/court-protocols/court-of-appeal/>**



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This List has been published as at Wednesday 14 April 2021.

**This List may change significantly after the date of publication and may not reflect the Court's business on any given date. Therefore, this List is intended as a GUIDE ONLY.**

For any queries please contact the Registry: [courtsofappeal@justice.govt.nz](mailto:courtsofappeal@justice.govt.nz)

**Locations:**

The Court of Appeal is located at: [54 Molesworth St, Thorndon, Wellington](#)

All hearings are at the Court of Appeal in Wellington unless otherwise specified.

The Court also sits at the following High Courts (however, please note documents cannot be filed at these addresses – all documents must be sent to the Court at the above Wellington address):

Auckland High Court (Historic Building) – [24 Waterloo Quadrant, Auckland](#) (NB: The Court of Appeal will no longer sit at the Auckland Hearing Centre on Queen Street)

Wellington High Court – [2 Molesworth Street, Wellington](#)

Christchurch High Court (Justice Precinct) – [20 Lichfield Street, Christchurch](#)

Dunedin High Court – [1 Stuart Street, Dunedin](#)

**Lower Court Judgments cited in this list may be found at the following links (if publicly available):**

Senior Courts Judgments of Public Interest: <https://www.courtsofnz.govt.nz/judgments/>

District Court of New Zealand: <https://www.districtcourts.govt.nz/>

Judicial Decisions Online: <https://forms.justice.govt.nz/jdo/Search.jsp>

New Zealand Legal Information Institute (NZLII): [http://www.nzlii.org/databases.html#nz\\_cases](http://www.nzlii.org/databases.html#nz_cases)

**Court types:**

Full Court – A Court of five Court of Appeal Judges. See [s50 and s51 of the Senior Courts Act 2016](#)

Permanent Court – A Court consisting of three Court of Appeal Judges. See [s48\(1\)\(a\) of the Senior Courts Act 2016](#)

Divisional Court – A Court typically consisting of one Court of Appeal Judge and two High Court Judges. See [s48\(1\)\(c\)](#) and [s52 of the Senior Courts Act 2016](#)

For more information regarding Court types please see: <https://www.courtsofnz.govt.nz/the-courts/court-of-appeal/cases-to-court/>

COURT OF APPEAL FIXTURE LIST – MAY 2021

Session Week: Monday 3 May to Friday 7 May

Date	Permanent Court, Wellington Courtroom 1	Permanent Court, Wellington Courtroom 2
<b>Monday</b> 3 May		
<b>Tuesday</b> 4 May	<p><b>Court: Kós P, Gilbert J, Goddard J</b></p> <p><u>CA294/2020</u> William Fraser McCallum Jnr (D A T Chambers QC, K Flavell) v Carrick Robert Zachary McCallum, Callum Fraser McCallum, and McCallum Independent Trustees Limited as Trustees of the McCallum Family Trust &amp; Anor (K G Davenport QC, A M Cameron) Subsequent Party: Fiona Catherine Jane McCallum (V T Burton QC) Gwyn J [2020] NZHC 907 <i>Appeal against "Beddoe" order confirming the respondent trustees' executives' costs in the substantive High Court litigation will be met from the assets of the trust estate.</i></p>	<p><b>Court: Brown J, Courtney J, Collins J</b></p> <p><u>CA193/2020</u> Shabor Limited (K M Quinn, C B Pearce, C W Cargill) v Robert Graham &amp; Anor (D M O'Neill) Fitzgerald J [2020] NZHC 507 <i>Appeal from High Court Judgment in case involving misrepresentations as to stock carrying capacity of a farm subsequently purchased for \$2.5m.</i></p>
<b>Wednesday</b> 5 May	<p><b>Court: Cooper J, Brown J, Williams J</b></p> <p><u>CA652/2017</u> Andrew Marutuehu Kusabs and Ors as trustees of the Tumunui Lands Trust (A F S Vane, M S McKechnie) v Peter Daniel Staite and Ors as Trustees of the Whaoa No 1 Lands Trust (D G Chesterman, D W Pawson, J Koning) Application to recall judgment [2019] NZCA 420</p>	<p><b>Court: Clifford J, Courtney J, Collins J</b></p> <p><u>CA178/2021</u> M (A J Bailey) v The Queen Sentence – Intensive Supervision for 12 Months Kellar DCJ</p>
<b>Thursday</b> 6 May	<p><b>Court: Kós P, French J, Miller J</b></p> <p><u>CA127/2017 &amp; CA128/2017 (to be heard together)</u> <u>CA127/2017</u> Mathias Ortmann &amp; Ors (G Illingworth QC, P J Spring, A K Hyde, R M Mansfield, S L Cogan) v United States of America &amp; Anor (D J Boldt, F R J Sinclair, Z A Fuhr) <u>CA128/2017</u> Kim Dotcom (R M Mansfield, S L Cogan) v United States of America &amp; Anor (D J Boldt, F R J Sinclair, Z A Fuhr) <b>Gilbert J</b> <i>Remitted proceedings from the Supreme Court [2021] NZSC 9 for the identification of the outstanding issues in relation to the judicial review appeals (SC54/2018 and SC58/2018) and the resolution of those issues</i></p>	<p><b>Court: Cooper J, Gilbert J, Goddard J</b></p> <p><u>CA298/2020</u> R &amp; Anor (D M Fraundorfer, R A Rosser) v K &amp; Anor (J R Hosking, F P Barton, M S) Thomas J [2020] NZHC 923 <i>Appeal from High Court judgment in relationship property claim.</i></p> <p><u>CA498/2020</u> NZ Southern Rivers Society Incorporated (P A Steven QC, M R Walker, B B Gresson) v Gore District Council &amp; Anor (M R Garbett, G R Cassidy) Osborne J [2020] NZHC 1996 <i>Challenge to local authority decision to approve, without notification to appellant, land use consent for river rafting on the Mataura.</i></p>
<b>Friday</b>		

**COURT OF APPEAL FIXTURE LIST – MAY 2021**

**Circuit Week: Monday 10 May to Friday 14 May**

<b>Date</b>	<b>Divisional Court – Wellington, Courtroom 1 Court: Brown J, S France J, Edwards J</b>	<b>Divisional Court – Auckland, Courtroom 2 Court: Miller J, Venning J, Peters J</b>
<p><b>Monday</b> 10 May</p>	<p><b><u>CA687/2020</u></b> E (F E Guy Kidd QC, R Smith) v The Queen Conviction and Sentence – 2 years, 6 months imprisonment, 3 years disqualification and reparation of \$12,000.00 Mander J</p> <p><b><u>CA657/2020</u></b> Xiao Yan TANG (H G De Groot) v The Queen Sentence – 13 years and 7 months Imprisonment with a Non-parole period of 6 years and 9 months Dawson DCJ</p> <p><b><u>CA642/2019</u></b> D (D J Allan) v New Zealand Police (E J Hoskin) Sentence – 8 months home detention Powell J &amp; Bergseng DCJ</p>	<p><b><u>CA591/2020</u></b> Parwati Chand &amp; Ors (G M Bilkey, R O Parmenter) v Auckland Council &amp; Ors (K Quinn, P Moodley) Palmer J [2020] NZHC 2422 <i>Appeal against High Court decision declining to modify a restrictive covenant.</i></p> <p><b><u>CA542/2020</u></b> Clarence Edward Beardsmore (K Lomas) v Prime Bookkeeping Limited &amp; Anor (S T Scott) Brewer J [2020] NZHC 2231 <i>Appeal against High Court decision in relation to costs award following discontinuance of proceedings.</i></p>
<b>Date</b>	<b>Divisional Court – Wellington, Courtroom 1 Court: Gilbert J, S France J, Edwards J</b>	<b>Divisional Court – Auckland, Courtroom 2 Court: Miller J, Venning J, Peters J</b>
<p><b>Tuesday</b> 11 May</p>	<p><b><u>CA644/2019</u></b> Falcon SAMUELS (C J Tennet) v The Queen Conviction and Sentence – Life Imprisonment with an MPI of 17 years Cooke J</p> <p><b><u>CA588/2020 &amp; CA590/2020 (To be heard together)</u></b> <b><u>CA588/2020</u></b> L (M Zintl) v The Queen Conviction and Suppression – 100 Hours community work and \$500.00 reparation for emotional harm <b><u>CA590/2020</u></b> A (J D Lucas) v The Queen Conviction and Suppression – 3 Months community detention, 100 hours community work and permanent name suppression declined Large DCJ</p> <p><b><u>CA737/2020</u></b> Lloyd Alexander MCINTOSH (A J Bailey) v Chief Executive of Department of Corrections Extended Supervision Order – 5 years of Extended Supervision Order Dunningham J</p>	<p><b><u>CA651/2019</u></b> P (M E Goodwin, C M Chester-Cronin) v The Queen Conviction and Sentence – 6 years, 3 months imprisonment McDonald DCJ</p> <p><b><u>CA753/2020</u></b> L (M B Dodds, R C Mark) v The Queen Conviction and Sentence – 10 months home detention de Ridder DCJ</p> <p><b><u>CA515/2020</u></b> Allison Hayley JONES (K J Basire) v The Queen Sentence – 5 years 1 month imprisonment Farish DCJ</p> <p><b><u>CA130/2021</u></b> M (J D Munro) v The Queen Pre-trial ruling Judge E P Paul</p>

Date	Divisional Court – Wellington, Courtroom 1 Court: Clifford J, S France J, Edwards J	Divisional Court – Auckland, Courtroom 2 Court: Miller J, Venning J, Peters J
<b>Wednesday</b> 12 May	<p><b><u>CA559/2020</u></b> Andrew Benjamin KELSALL (R A Harrison) v The Queen Conviction– Four Years' Imprisonment Barkle DCJ</p> <p><b><u>CA330/2020</u></b> Te Kiri Geoffrey WILLIAMS (H G De Groot) v The Queen Conviction and Sentence – 9 years, 2 months imprisonment Wharepouri DCJ</p> <p><b><u>CA579/2020</u></b> Cheyenne Jodie NGAPERERA (H G De Groot, S Thode) v The Queen Conviction and Sentence – 3 years and 4 months imprisonment Orchard DCJ</p> <p><b><u>CA48/2020</u></b> James Taylor Martin WEBBY (E J Forster) v The Queen Sentence – Life imprisonment, MPI of 17 years 9 months Dobson J</p>	<p><b><u>CA597/2019 &amp; CA611/2019 (to be heard together)</u></b> <b><u>CA597/2019</u></b> Tyler BAILLIE (R M Mansfield) v The Queen (J E Carruthers) Conviction and Sentence – Life imprisonment with a minimum period of imprisonment of 17 years</p> <p><b><u>CA611/2019</u></b> Rosana Mario MOGRAN (T Aickin) v The Queen (J E Carruthers) Conviction and Sentence – Life imprisonment with a minimum period of imprisonment of 17 years</p> <p><b><u>CA454/2019</u></b> Selaima FAKAOSILEA (G N Bradford) v The Queen Conviction and Sentence – 12 years and 6 months imprisonment with an MPI of 7 years cumulative on charge CRN16004017448 Gordon J</p> <p><b><u>CA721/2020</u></b> Yeqing ZHU (G J Newell) v The Queen Conviction and Sentence – 12 months home detention, \$10,000 reparation, disqualified from operating a motor vehicle for 3 years starting 24 November 2020 Paul DCJ</p>
<b>Thursday</b> 13 May	<p><b><u>CA94/2021; CA106/2021; CA123/2021 &amp; CA127/2021 (to be heard together)</u></b> <b><u>CA94/2021</u></b> T (E P Priest, S Giles) v The Queen Pre-trial ruling</p> <p><b><u>CA106/2021</u></b> G (J S Kovacevich) v The Queen Pre-trial ruling</p> <p><b><u>CA123/2021</u></b> T (S J Gray) v The Queen</p> <p><b><u>CA127/2021</u></b> T (J Verry) v The Queen Pre-trial ruling Moore J [2020] NZHC 163</p> <p><b><u>CA723/2020</u></b> Thomas Kevin KAWITI (C G Tuck, T D Harre) v The Queen Conviction and Sentence – 6 years 8 months' imprisonment Mill DCJ</p> <p><b><u>CA702/2020</u></b> Red 9 Limited (M J Fisher, J D Ryan) v The Learning Ladder Limited (In Liquidation) (K J Robinson, A McCabe) Andrew AJ [2020] NZHC 2389 <i>Appeal from High Court judgment dismissing application for security for costs of the substantive proceedings.</i></p>	<p><b><u>CA765/2018</u></b> Paul JOHNSON (J E Carruthers) v The Queen Conviction and Sentence – 7 years imprisonment Winter DCJ</p> <p><b><u>CA596/2020</u></b> Theodore Anthony BAILEY (D P Jones QC) v The Queen Conviction and Sentence – 80 Hours Community Work Paul DCJ</p> <p><b><u>CA134/2021</u></b> Lisa Robin GOVERNOR (J Y Yi) v New Zealand Police Conviction and Sentence - 80 hours' community work, disqualified from driving for a minimum period of one year Mathers DCJ; Gordon J</p>
<b>Friday</b> 14 May		

COURT OF APPEAL FIXTURE LIST – MAY 2021

Circuit Week: Monday 17 May to Friday 21 May

Date	Divisional Court – Wellington, Courtroom 1 Court: Goddard J, Venning J, Peters J	Divisional Court – Auckland, Courtroom 1 Court: Cooper J, S France J, Edwards J
<p><b>Monday</b> 17 May</p>	<p><b><u>CA696/2020</u></b> Francis Miles Reynolds and Juliet Linell Reynolds as trustees of the F &amp; J Reynolds Trust &amp; Anor (D M Salmon, D A Bullock, T P Mullins) v Parklands Properties Limited &amp; Anor (J M Savage, S J Weir, C Faesenkloet) Van Bohemen J [2020] NZHC 2919</p>	<p><b><u>CA205/2020</u></b> Jayson Wiremu POIHIPI (C G Tuck) v The Queen Conviction – Life Imprisonment (with MPI of 10.5 Years) Gault J</p> <p><b><u>CA131/2020</u></b> Lotu TALATOFI (H de Groot) v Chief Executive of Department of Corrections Extended Supervision Order – 5 years Extended supervision Bouchier DCJ</p> <p><b><u>CA664/2020</u></b> Nigel John LAKE (J D Munro) v The Queen Sentence Preventive Detention with a minimum non-parole period of 6 years Powell J</p>
<p><b>Tuesday</b> 18 May</p>	<p><b><u>CA509/2020</u></b> Christian Desmond MILLAR (J W Griffiths) v The Queen Conviction – 2 Years and 8 Months Imprisonment Tompkins DCJ</p> <p><b><u>CA697/2017</u></b> Alister James REID (J S Jefferson) v The Queen Conviction and Sentence – Preventive detention with a minimum period of imprisonment of 6 years Neave DCJ; S France J</p> <p><b><u>CA493/2020</u></b> Don EKEROMA (L B Cordwell) v The Queen Sentence – 10 years imprisonment with MPI of 40% Jagose J</p>	<p><b><u>CA85/2018</u></b> Elliot Daniel Sgarretta v ASB Bank Limited (A E Simkiss, J J Spring) Woodhouse J [2017] NZHC 3097 <i>Appeal against grant of summary judgment.</i></p> <p><b><u>CA82/2021</u></b> D (M J English, J A Thompson) v The Queen Pre-trial ruling: Admissibility of visual identification evidence Rollo DCJ</p> <p><b><u>CA137/2021</u></b> H (S Tait, P S Choi) v The Queen Bail: Refusal to grant electronically monitored bail Duffy J</p>

Date	Divisional Court – Wellington, Courtroom 1 Court: Goddard J, Venning J, Peters J	Divisional Court – Auckland, Courtroom 1 Court: Cooper J, S France J, Edwards J
<b>Wednesday</b> 19 May	<p><b><u>CA51/2021</u></b> Modern Built Investments Limited &amp; Anor (D E Nielsen, C T Gudsell QC) v Tracey Ann O'Brien and McCaw Lewis Trustees (T A O'Brien) Limited as trustees of the T A O'Brien Family Trust &amp; Anor (P J Morgan Qc, Z T Mora, B T Cullen) Davison J [2020] NZHC 3349</p>	<p><b><u>CA697/2020; CA707/2020; CA717/2020 (to be heard together)</u></b> <b><u>CA697/2020</u></b> S (A Hill) v The Queen Pre-trial ruling: Admissibility of evidence obtained pursuant to warrantless search <b><u>CA707/2020</u></b> E (S Mills) v The Queen Pre-trial ruling <b><u>CA717/2020</u></b> E (A Schulze) v The Queen Pre-trial ruling MacKenzie DCJ</p> <p><b><u>CA718/2020</u></b> Lyric Daishan HOFMANN (J D Lucas) v Department of Corrections Extended Supervision Order – 5 years D J L Saunders DCJ</p> <p><b><u>CA371/2020</u></b> Tallot RAHMAN (D G Young) v The Queen Sentence – 16 years imprisonment Dawson DCJ</p> <p><b><u>CA143/2019</u></b> Eru ARAMOANA (K H Maxwell) v The Queen Application to withdraw notice of abandonment – Sentence 5 years 6 months imprisonment McGuire DCJ</p>
<b>Thursday</b> 20 May	<p><b><u>CA690/2020</u></b> Kristin Pia Cato (S Mills Qc, S J Humphrey, D Nilsson) v Manaia Media Limited &amp; Ors (S Mckenna, F A King, R G Scott) Hinton J [2020] NZHC 2961 <i>Appeal from Judge's decision granting leave to file a jury notice out of time.</i></p> <p><b><u>CA121/2020</u></b> Ashor GORGUS (S Hewson) v The Queen Conviction – 1 year and 6 months Imprisonment Sharp DCJ</p>	<p><b><u>CA548/2020</u></b> Jasvinder Singh (P Pabla, A R Gilchrist) v Roopa Patel &amp; Anor (A A Low) Lang J [2020] NZHC 2242 <i>Appeal from High Court judgment dismissing claims in conversion by transfer of shares and associated claims.</i></p> <p><b><u>CA48/2019</u></b> Salemona Brad LISIPA (K H Maxwell) v The Queen Conviction and Sentence – 14 years imprisonment (MPI of two thirds) Gibson DCJ</p> <p><b><u>CA731/2020</u></b> Tallot RAHMAN (D G Young) v The Queen Sentence – 16 years imprisonment Dawson DCJ</p>
<b>Friday</b>		

COURT OF APPEAL FIXTURE LIST – MAY 2021

Session Week: Monday 24 May to Friday 28 May

Date	Permanent Court, Wellington Courtroom 1	Courtroom 2
Monday 24 May		
Tuesday 25 May	<p><b>Court: Kós P, Miller J, Gilbert J</b></p> <p><b><u>CA280/2020 &amp; CA288/2020 (to be heard together)</u></b>  <b><u>CA280/2020</u></b>                      Simon Thomas Reed &amp; Anor (J W Johnson) v John Bowden Mackintosh &amp; Ors (C A Mcveigh QC, G M Brodie, R Cooper, R C Gray, H A Evans, D R Weatherley, R J Fowler Qc, B R Burke, K W Clay, G R Fail, C J Robertson)</p> <p><b><u>CA288/2020</u></b>                      Philip Dean Thomas (H A Evans, D R Weatherley) v John Bowden Mackintosh &amp; Ors (C A Mcveigh QC, G M Brodie, R Cooper, R C Gray, R J Fowler Qc, J W Johnson, K W Clay, B R Burke, G R Fail, C J Robertson)                      Churchman J [2020] NZHC 860  <i>Appeal from High Court judgment on applications by trustees for directions in the administration of an estate.</i></p>	
Wednesday 26 May	<p><b>Court: Kós P, Miller J, Gilbert J</b></p> <p><b><u>CA280/2020 &amp; CA288/2020 (to be heard together)</u></b>  <b><u>CA280/2020</u></b>                      Simon Thomas Reed &amp; Anor (J W Johnson) v John Bowden Mackintosh &amp; Ors (C A Mcveigh QC, G M Brodie, R Cooper, R C Gray, H A Evans, D R Weatherley, R J Fowler Qc, B R Burke, K W Clay, G R Fail, C J Robertson)</p> <p><b><u>CA288/2020</u></b>                      Philip Dean Thomas (H A Evans, D R Weatherley) v John Bowden Mackintosh &amp; Ors (C A Mcveigh QC, G M Brodie, R Cooper, R C Gray, R J Fowler Qc, J W Johnson, K W Clay, B R Burke, G R Fail, C J Robertson)                      Churchman J [2020] NZHC 860  <i>Appeal from High Court judgment on applications by trustees for directions in the administration of an estate.</i></p>	
Thursday 27 May	<p><b>Court: French J, Clifford J, Courtney J</b></p> <p><b><u>CA484/2020</u></b>                      Todd William Frank Sutton &amp; Anor (Z Wackenier, L J Kearns) v Joanna Elisia Bell (S M Wilson, B Sneddon)                      Walker J [2020] NZHC 1557</p>	
Friday		

COURT OF APPEAL FIXTURE LIST – MAY 2021

Session Week: Monday 31 May to Friday 4 June

Date	Full Court, Wellington Courtroom 1	Courtroom 2
Monday 31 May		
Tuesday 1 June	<p><b>Court: Kós P, French J, Miller J, Cooper J, Clifford J</b></p> <p><u>CA292/2020</u>                      Robert Matthew Urlich (P M Hoskins) v Attorney General (N C Anderson, N Julian)                      Andrew AJ [2019] NZHC 2783  <i>Meaning of "successor" in Public Works Act</i></p>	
	<p><b>Permanent Court, Wellington Courtroom 1</b></p>	<p><b>Courtroom 2</b></p>
Wednesday 2 June	<p><b>Court: French J, Gilbert J, Courtney J</b></p> <p><u>CA385/2020</u>                      The Commissioner of the New Zealand Police &amp; Anor (G J Burston, A W Britton) v Joanne Harrison &amp; Anor (N P Bourke)                      Gwyn J [2020] NZHC 1380  <i>Challenge by Police and Official Assignee to decisions of HC as to status of Kiwisaver Accounts under the Criminal Proceeds (Recovery) Act 2009</i></p>	
Thursday 3 June	<p><b>Court: Gilbert J, Courtney J, Goddard J</b></p> <p><u>CA266/2020</u>                      O (R J Hooker) v Immigration And Protection Tribunal &amp; Anor (S P Jerebine, G Niven)                      Fitzgerald J [2020] NZHC 792  <i>Appeal of High Court decision upholding appellant's status as "liable for deportation"</i></p>	
Friday		