

PUBLIC ACCESS UNDER COVID-19 PROTECTION FRAMEWORK:

Under the current Court of Appeal COVID Protocol you must not enter the Court Building if you are showing signs of illness (and haven't taken a Rapid Antigen Test) or have tested positive for COVID-19 within the last 7 days.

If you have any symptoms of COVID-19, however minor, you must take a Rapid Antigen test (RAT) before attending a Court of Appeal hearing. If you test negative you still may attend Court but must wear a KN95 (or equivalent) or surgical mask at all times. However, **if you test positive you must not attend court.**

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/>



DISCLAIMER:

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This List has been published as at Friday 23 September 2022. However, **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.**

Enquiries:

Please contact the Court by phone on: **(04) 914 3540** or by email: courtsofappeal@justice.govt.nz between 9am and 5pm on weekdays (excluding public holidays and dates the Court is closed).

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 that all documents must be sent to the Court at the above Wellington address):

Auckland High Court (Historic Building) – [24 Waterloo Quadrant, Auckland](#)

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

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

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

Sitting Hours:

The Court typically sits between 10am and 4pm with adjournments *roughly* from 11:30am – 11:45am and 1pm – 2:15pm. There is no afternoon adjournment. Sitting hours and adjournments may be adjusted as required and may change at short notice.

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

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 – OCTOBER 2022

Session Week: Monday 3 October to Friday 7 October

| Date | Permanent Court, Wellington Courtroom 1 | Permanent Court, Wellington Courtroom 2 |
|------------------------|--|--|
| Monday 3 October | | |
| Tuesday 4 October | <p>Court: Miller J, Brown J, Gilbert J</p> <p><u>CA188/2021 & CA193/2021 (to be heard together)</u> <u>CA188/2021</u> Warbirds over Wanaka Airshows Limited & Ors (M S Anderson, J C Dymock, C L Barclay, C S Chapman) v Dovey Aviation Consulting Limited & Ors (C S Chapman, D Dew, J A Macgillivray) <u>CA193/2021</u> Attorney General of New Zealand & Anor (J A Macgillivray) v Dovey Aviation Consulting Limited & Ors (C S Chapman, M S Anderson, J C Dymock, C L Barclay) Mallon J [2021] NZHC 429 <i>Appeal from High Court decision in relation to negligence liability for incident at airshow in 2018.</i></p> | |
| Wednesday 5 October | <p>Court: Miller J, Brown J, Gilbert J</p> <p><u>CA188/2021 & CA193/2021 (to be heard together)</u> <u>CA188/2021</u> Warbirds over Wanaka Airshows Limited & Ors (M S Anderson, J C Dymock, C L Barclay, C S Chapman) v Dovey Aviation Consulting Limited & Ors (C S Chapman, D Dew, J A Macgillivray) <u>CA193/2021</u> Attorney General of New Zealand & Anor (J A Macgillivray) v Dovey Aviation Consulting Limited & Ors (C S Chapman, M S Anderson, J C Dymock, C L Barclay) Mallon J [2021] NZHC 429 <i>Appeal from High Court decision in relation to negligence liability for incident at airshow in 2018.</i></p> | |
| Thursday 6 October | <p>Court: Cooper P, French J, Collins J</p> <p><u>CA457/2021</u> Commissioner of Police (B H Dickey, M R Harborow, A R Masters) v Ronald Thomas Salter & Ors (R M Mansfield KC, S L Cogan, J P Cundy) Palmer J [2021] NZHC 1531 <i>Appeal from High Court decision requiring Commissioner of Police to give an understanding as to damages in relation to a restraining order under the Criminal Proceeds (Recovery) Act 2009.</i></p> <p><u>CA49/2022</u> Eli Bob Sauni EPIHA (M A Edgar) v The King Sentence – Life imprisonment with a minimum period of imprisonment of 27 years Venning J</p> | |
| Friday | | |

COURT OF APPEAL FIXTURE LIST – OCTOBER 2022

Session Week: Monday 10 October to Friday 14 October

| Date | Permanent Court, Wellington Courtroom 1 | Permanent Court, Wellington Courtroom 2 |
|-------------------------|---|--|
| Monday 10 October | | |
| Tuesday 11 October | <p>Court: Cooper P, Collins J, Katz J</p> <p><u>CA17/2022</u> Brian Joseph Linehan & Ors (T J Rainey, V A Whitfield, K I Bond) v Thames Coromandel District Council (D J Neutze, C Robertson) Hinton J [2021] NZHC 3234 <i>Appeal from High Court decision in relation to liability of Council for weathertightness defects in the context of remedial works.</i></p> | |
| Wednesday 12 October | <p>Court: Cooper P, Collins J, Katz J</p> <p><u>CA17/2022</u> Brian Joseph Linehan & Ors (T J Rainey, V A Whitfield, K I Bond) v Thames Coromandel District Council (D J Neutze, C Robertson) Hinton J [2021] NZHC 3234 <i>Appeal from High Court decision in relation to liability of Council for weathertightness defects in the context of remedial works.</i></p> | |
| Thursday 13 October | <p>Court: Miller J, Brown J, Katz J</p> <p><u>CA584/2021</u> Joshua Pera van Silfhout (D A Ewen, A L Hill) v Udaya Lakshman Agas Pathirannehelage Amicus Curiae – V E Casey KC Cooke J [2021] NZHC 2268 <i>Appeal from the lower court judgment about interpretation of the prisoners' and victims' Claims Act 2005</i></p> | |
| Friday | | |

COURT OF APPEAL FIXTURE LIST – OCTOBER 2022

Session Week: Monday 17 October to Friday 21 October

| Date | Permanent Court, Wellington Courtroom 1 | Permanent Court, Wellington Courtroom 2 |
|---|---|--|
| Monday 17 October | Miscellaneous Motions List Day Court: French J, Gilbert J, Collins J, Katz J | |
| Tuesday 18 October | Court: Brown J, Gilbert J, Collins J <u>CA605/2021</u> Anthony John Gapes (G D Simms, J W Johnson, W L Porter) v Dempsey Wood Civil Limited (E St John, A R Jones) Fitzgerald J [2021] NZHC 2362 <i>Appeal against High Court judgment finding appellant breached SS 135 and 126 of the Companies Act and S 9 of the Fair Trading Act.</i> | |
| Wednesday 19 October | Court: French J, Brown J, Katz J <u>CA166/2022</u> N (M E Goodwin, C M Chester-Cronin) v The King Pre-trial ruling Bonnar DCJ [2022] NZDC 345 <u>CA385/2022</u> The King v M (N P Bourke) Appeal on Question of Law Judge G F Hikaka | |
| Thursday 20 October | | |
| Friday (<i>Hawke's Bay Anniversary Day</i>) | | |

COURT OF APPEAL FIXTURE LIST – OCTOBER 2022

Circuit Week: Monday 24 October to Friday 28 October

| Date | Divisional Court – Wellington, Courtroom 1 Court: Collins J, Muir J, Cull J | Divisional Court – Auckland, Courtroom 1 Court: Cooper P, Venning J, Palmer J | Divisional Court – Auckland, Courtroom 2 Court: Brown J, Mallon J, Downs J |
|--------------------------------------|--|--|---|
| <p>Monday 24 October</p> | <p><u>LABOUR DAY</u></p> | <p><u>LABOUR DAY</u></p> | <p><u>LABOUR DAY</u></p> |
| <p>Tuesday 25 October</p> | <p><u>CA29/2022</u> RV & PJ Gibbs Family Trust (In Person) v First Gas Limited (L P Wallace, J Atkin) Grice J [2021] NZHC 3309 <i>Whether work done by respondent on gas pipeline is within the scope of its easement over appellants' property</i></p> | <p><u>CA762/2021</u> Ross (In Person) v The Family Court in Auckland & Anor (J B Watson, M Flannagan) Wylie J</p> | <p><u>CA449/2019; CA452/2019; CA459/2019 & CA460/2019 (to be heard together)</u> <u>CA449/2019</u> Pradeep CHAND (R M Mansfield KC, H R Smith) v The King (K E Hogan) Conviction and Sentence <u>CA452/2019</u> Richard KUMAR (H Cheeseman) v The King Conviction <u>CA459/2019</u> Rakesh CHAND (R M Mansfield KC, H R Smith) v The King Conviction – 8 months home detention, \$500 for obstructing gambling inspector charge <u>CA460/2019</u> Vijendra PRASAD (R M Mansfield KC) v The King Conviction and Sentence Moala DCJ</p> <p><u>CA339/2022</u> Jordan Leslie HILL (W D Mckean) v The King Sentence – 4 Months Community Detention; 1 Year 6 Months intensive supervision; \$1500 reparation Orchard DCJ</p> <p><u>CA265/2022</u> M (S Thode, J P Scott) v The King Pre-trial ruling and s30 criminal disclosure Judge P R Rzepecky</p> |

| Date | Divisional Court – Wellington, Courtroom 1 Court: Collins J, Muir J, Cull J | Divisional Court – Auckland, Courtroom 1 Court: Cooper P, Venning J, Palmer J | Divisional Court – Auckland, Courtroom 2 Court: Brown J, Mallon J, Downs J |
|--|---|---|--|
| <p>Wednesday 26 October</p> | <p><u>CA182/2022</u> Damien Shane KURU (C W Stevenson, J H Waugh) v The King Conviction – 5 Years and 2 Months Imprisonment Ellis J</p> <p><u>CA268/2022</u> W (P L Murray) v The King Pre-trial ruling Northwood DCJ</p> <p><u>CA375/2022</u> V (P H Hall KC, E Huda) v The King Pre-trial ruling Callaghan DCJ</p> | <p><u>CA14/2020; CA15/2020; CA105/2020 CA396/2020; CA424/2020 & CA605/2020 (To be heard together)</u> <u>CA14/2020</u> Zhi Zhou TAN (L O Smith) v The King Sentence – 19 years imprisonment, MPI 7 years, 6 months</p> <p><u>CA15/2020</u> Chi Wa LEUNG (M Kan) v The King Sentence – 18 years imprisonment, MPI 7 years, 6 months</p> <p><u>CA105/2020</u> Hao LI (M W Ryan) v The King Conviction and Sentence – 21 Years Imprisonment with an MPI of 8 years</p> <p><u>CA396/2020</u> Wai Fat WONG (D B Stevens) v The King Sentence – 25 years 6 months' imprisonment, with an MPI of 8 years 6 months'</p> <p><u>CA424/2020</u> Yiu Wai CHIANG (M J Taylor-Cyphers) v The King Sentence – 16 years, 2 months' imprisonment with an MPI of 7 years</p> <p><u>CA605/2020</u> Tai Fi CHIU (A M Simperingham) v The King Conviction and Sentence – 19 years & 2 months imprisonment with an MPI of 8 years & 6 months Moore J</p> | <p><u>CA151/2022</u> Romiley Chantal Gorrige & Anor (K E Sullivan, C Drought, J R Hosking) v Judith Anne Pointon as executors of the Estate of Joan Blair Gorrige & Anor (K J Catran, S Scott) Walker J [2022] NZHC 342 <i>Testamentary capacity and undue influence as testatrix.</i></p> |
| <p>Date</p> | <p>Divisional Court – Wellington High Court, CR6 Court: Collins J, Muir J, Cull J</p> | <p>Divisional Court – Auckland, Courtroom 1 Court: Cooper P, Venning J, Palmer J</p> | <p>Divisional Court – Auckland, Courtroom 2 Court: Brown J, Mallon J, Downs J</p> |
| <p>Thursday 27 October</p> | <p><u>CA751/2018</u> Blaine Ross HUGHES (K J Basire) v The King Conviction and Sentence – Preventive Detention with an MPI of 5 Years Heath J</p> | <p><u>CA14/2020; CA15/2020; CA105/2020 CA396/2020; CA424/2020 & CA605/2020 (To be heard together)</u> <u>CA14/2020</u> Zhi Zhou TAN (L O Smith) v The King Sentence – 19 years imprisonment, MPI 7 years, 6 months</p> <p><u>CA15/2020</u> Chi Wa LEUNG (M Kan) v The King Sentence – 18 years imprisonment, MPI 7 years, 6 months</p> <p><u>CA105/2020</u> Hao LI (M W Ryan) v The King Conviction and Sentence – 21 Years Imprisonment with an MPI of 8 years</p> <p><u>CA396/2020</u> Wai Fat WONG (D B Stevens) v The King Sentence – 25 years 6 months' imprisonment, with an MPI of 8 years 6 months'</p> <p><u>CA424/2020</u> Yiu Wai CHIANG (M J Taylor-Cyphers) v The King Sentence – 16 years, 2 months' imprisonment with an MPI of 7 years</p> <p><u>CA605/2020</u> Tai Fi CHIU (A M Simperingham) v The King Conviction and Sentence – 19 years & 2 months imprisonment with an MPI of 8 years & 6 months Moore J</p> | <p><u>CA123/2022 & CA124/2022 (to be heard together)</u> <u>CA123/2022</u> K (L O Smith) v The King Suppression</p> <p><u>CA124/2022</u> K (P K Hamlim) v The King Suppression Woolford J [2022] NZHC 471</p> <p><u>CA380/2022</u> R (D Schellenberg) v The King Fitness to Stand Trial Fraser DCJ</p> |
| <p>Friday</p> | | | |