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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 Tuesday 25 October 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 – NOVEMBER 2022

Circuit Week: Monday 31 October to Friday 4 November

Date	Divisional Court – Auckland, Courtroom 1 Court: Miller J, Muir J, Gendall J	Divisional Court – Auckland, Courtroom 2 Court: Gilbert J, Venning J, Mander J	Divisional Court – Christchurch, Courtroom 11 Court: French J, Thomas J, Mallon J
<p>Monday 31 October</p> <p><i>(Marlborough Anniversary Day)</i></p>	<p><u>CA131/2022</u> Anton Stephen SIMCIC (D B Stevens) v The King Sentence – 9 years imprisonment Barry DCJ</p> <p><u>CA366/2022</u> D (G H Vear, M Y Ip) v The King Pre-trial ruling: Admissibility of Evidence Sharp DCJ</p> <p><u>CA418/2021</u> B (G R Anson) v The King Sentence - 7 years 10 months imprisonment Venning J</p> <p><u>CA510/2022</u> W (J Y Yi) v The King Pre-trial ruling: Admissibility of hearsay evidence Skellem DCJ</p> <p><u>CA463/2022</u> W (A B Fairley) v The King & Anor (J A Eng, S Thode) Pre-trial ruling: Refusal to adduce propensity evidence against co-accused Davis DCJ</p>	<p><u>CA743/2021</u> Gautam Jindal (J Moss) v Orange Capital Limited (in liquidation) by its liquidator Kevin J Davies (J K Mahuta-Coyle) Whata J [2021] NZHC 2917 <i>Jurisdiction of District Court to decide a liquidator's claim in debt, being a shareholder's overdrawn account. Whether High Court's remedial ? Act jurisdiction available and whether should have been exercised.</i></p> <p><u>CA141/2022</u> Deo Datt Sharma (In Person) v Nirmala Wati (R O Parmenter, A J Witten-Hannah) Davison J [2021] NZHC 3601 <i>Appeal concerning disposition of Security for costs</i></p>	<p><u>CA2/2022</u> Abdihafid Ali MOHAMED (S J Shamy) v The King Conviction and Sentence – 7 years 2 months imprisonment M Callaghan DCJ</p>
<p>Tuesday 1 November</p>	<p><u>CA673/2020 & CA694/2020 (to be heard together)</u> <u>CA673/2020</u> Jesse Shane KEMPSON (R M Mansfield KC) v The King Conviction and Sentence – 7 Years, 6 Months Imprisonment Brewer J</p> <p><u>CA694/2020</u> Jesse Shane KEMPSON (R M Mansfield KC) v The King Conviction and Sentence – 3 Years and 6 Months Imprisonment, cumulative on his sentence of seven years and six months imprisonment Venning J [2020] NZHC 3069</p> <p><u>CA278/2021 – 1.5 hrs</u> Owen WILLIAMS (P K Hamlin, P J Osborne) v The King Conviction and Sentence – 11 years imprisonment Moala DCJ</p>	<p><u>CA409/2021 – ½ day</u> Jay Christopher LINGMAN (T Cooper) v The King Conviction – Life Imprisonment with a minimum period of 15 years, 2 months Harland J</p> <p><u>CA1/2022 – 45 mins</u> Dung Dinh PHAM (M J Taylor-Cyphers) v The King Sentence – 14 years 5 months imprisonment with a minimum period of imprisonment of 8 years 8 months Wiltens DCJ</p> <p><u>CA495/2022 – 45 mins</u> G (S G Bailey) v The King Bail Dunningham J</p>	<p><u>CA409/2022 – 1 day</u> Body Corporate 355492 & Ors (R W Raymond KC, G B Lewis, D J Powell) v Queenstown Lakes District Council (C M Meechan KC, S Campbell, R M Saunders) Osborne J</p>

Date	Divisional Court – Auckland, Courtroom 1 Court: Miller J, Muir J, Gendall J	Divisional Court – Auckland, Courtroom 2 Court: Courtney J, Venning J, Mander J	Divisional Court – Christchurch, Courtroom 11 Court: French J, Thomas J, Mallon J
<p>Wednesday 2 November</p>	<p><u>CA503/2021</u> Tristan Ross LOCKE (In Person) v The King Conviction – Life imprisonment, 10 years minimum period of imprisonment Mander J</p> <p><u>CA506/2022</u> K (I M Brookie, R A Van Boheemen) v The King Pre-trial ruling: Propensity Evidence de Ridder DCJ</p>	<p><u>CA52/2022</u> Kingsbeer Transport Limited (D M Fraundorfer, A Needham) v Martin-Brower New Zealand (S S Cook, M Cassaidy) Jagose J [2021] NZHC 3494 <i>Whether a contract was framed for refrigerated trucking services; and if so what were its terms</i></p>	<p><u>CA247/2022</u> Niraj Nilesch PRASAD (J R Rapley KC) v The Queen Sentence – Life imprisonment with an MPI of 18 years 6 months Osborne J</p> <p><u>CA287/2019</u> Hayden Anthony GRAY (A M Williams) v The King Sentence – 10 years 6 months imprisonment Osborne J</p> <p><u>CA541/2022</u> S (A M Williams) v The King Pre-trial ruling: Admissibility of Evidence Phillips DCJ</p> <p><u>CA416/2022</u> Jamie Ngatata LOVE (D A Ewen) v The King Sentence – 10 years Imprisonment Mander J</p> <p><u>CA448/2022</u> H (J W Griffiths) v The King Pre-trial ruling: Admissibility of Evidence Hobbs DCJ</p> <p><u>CA517/2022</u> C (P J Shamy) v The King Pre-trial ruling: Admissibility of evidence Garland DCJ</p>
Date	Divisional Court – Auckland, Courtroom 1 Court: Miller J, Muir J, Gendall J	Divisional Court – Auckland, Courtroom 2 Court: Courtney J, Venning J, Mander J	Divisional Court – Christchurch, Courtroom 11 Court: French J, Thomas J, Cull J
<p>Thursday 3 November</p>	<p><u>CA161/2021</u> J (S Brickell) v The King Conviction and Sentence – 9 years and 9 months imprisonment M Sharp DCJ</p> <p><u>CA682/2021</u> Jesse Seang Ty Nguy (D P Jones KC, Y Yang, G P Aspell) v BCH Investments Limited (B A Vautier, P S Kim) Venning J</p> <p><u>CA544/2022</u> L (V J Feyen & O R Hintze) v The King Refusal to Grant Bail Venning J</p>	<p><u>CA52/2022</u> Kingsbeer Transport Limited (D M Fraundorfer, A Needham) v Martin-Brower New Zealand (S S Cook, M Cassaidy) Jagose J [2021] NZHC 3494 <i>Whether a contract was framed for refrigerated trucking services; and if so what were its terms</i></p>	<p><u>CA159/2022</u> S (M W Ryan) v The King Pre-trial ruling Refusing to make an order under s101 of the Criminal Procedure Act 2011 Farish DCJ</p> <p><u>CA543/2022</u> D (A J Bailey, R J T George) v The King S30 Criminal Disclosure Phillips DCJ [2022] NZDC 18673</p>
<p>Friday</p>			

COURT OF APPEAL FIXTURE LIST – NOVEMBER 2022

Session Week: Monday 7 November to Friday 11 November

Date	Permanent Court, Wellington Courtroom 1	Permanent Court, Wellington Courtroom 2
Monday 7 November		
Tuesday 8 November	<p>Court: Brown J, Goddard J, Simon France J</p> <p><u>CA663/2021</u> Philip John Woolley (P A Morten, D J Clark) v Fonterra Co-Operative Group Limited (M D Branch, K F Shaw) Isac J [2021] NZHC 2690</p>	
Wednesday 9 November	<p>Court: Brown J, Goddard J, Simon France J</p> <p><u>CA663/2021</u> Philip John Woolley (P A Morten, D J Clark) v Fonterra Co-Operative Group Limited (M D Branch, K F Shaw) Isac J [2021] NZHC 2690</p>	
Thursday 10 November	<p>Court: Cooper P, Gilbert J, Courtney J</p> <p><u>CA601/2021</u> Shearing Services Kamupene Limited (in liquidation) (G A Neil, S M Kinsler, R Hindriksen) v Tarahau Farming Limited (In Person) & Anor Whata J [2021] NZHC 2376 <i>Appeal from High Court decision finding that informal appointment of a company administrator was not invalid, despite various defects.</i></p>	
Friday (Canterbury Anniversary Day)		

COURT OF APPEAL FIXTURE LIST – NOVEMBER 2022

Session Week: Monday 14 November to Friday 18 November

Date	Permanent Court, Wellington Courtroom 1	Permanent Court, Wellington Courtroom 2
Monday 14 November		
	Permanent Court, Auckland Courtroom Lower Ground 1 (LG1)	
Tuesday 15 November	<p>Court: Cooper P, Miller J, Collins J</p> <p><u>CA111/2019</u> Malcolm REWA (M W Ryan) v The King (M J Lillico) Conviction Venning J</p>	
	Permanent Court, Wellington Courtroom 1	Permanent Court, Wellington Courtroom 2
Wednesday 16 November	<p>Court: Courtney J, Katz J, Simon France J</p> <p><u>CA412/2019 & CA662/2021 (to be heard together)</u> S (A J Ellis, G K Edgeler) v Attorney-General And Ors (J B Watson, M J McKillop, C Tocher, P J Gunn, D R La Hood) Cull J [2018] NZHC 1209 <i>Appeal (and proceeding transferred from the High Court) declining applications for judicial review and declarations.</i></p>	<p>Court: French J, Gilbert J, Goddard J</p> <p><u>CA596/2021</u> Jay Tarahini Kiwi (W T Nabney) v The Commissioner of Police (Y Moinfar-Yong) Katz J [2021] NZHC 2457 <i>Appeal from High Court decision in relation to forfeiture of proceeds of crime, and the interactive sentence the Criminal Proceeds (Recovery) Act 2009 and Te Ture Whenua Maori Act 1993.</i></p>
Thursday 17 November	<p>Court: Courtney J, Katz J, Simon France J</p> <p><u>CA412/2019 & CA662/2021 (to be heard together)</u> S (A J Ellis, G K Edgeler) v Attorney-General And Ors (J B Watson, M J McKillop, C Tocher, P J Gunn, D R La Hood) Cull J [2018] NZHC 1209 <i>Appeal (and proceeding transferred from the High Court) declining applications for judicial review and declarations.</i></p>	
Friday		

COURT OF APPEAL FIXTURE LIST – NOVEMBER 2022

Session & Circuit Week: Monday 21 November to Friday 25 November

Date	Permanent Court, Wellington Courtroom 1	Divisional Court – Auckland, Courtroom 1 Court: Goddard J, Woolford J, Fitzgerald J	Divisional Court – Auckland, Courtroom 2 Court: Katz J, Mander J, Downs J
<p>Monday 21 November</p>		<p><u>CA248/2022</u> Maui Phillip DOWNES (S Winter) v The King Conviction – 12 years 10 months' imprisonment Churchman J</p> <p><u>CA520/2022</u> F (In Person) v The King Pre-trial ruling: Disclosure & admissibility of evidence Turner DCJ</p>	<p><u>CA732/2021</u> Kerryn Mitchell (In Person) v Attorney-General (On behalf of the Chief Executive Officer of Department of Corrections) (D P Neild, V M Rea) Gendall J</p> <p><u>CA225/2022</u> H (W C Pyke) v The King Conviction and Sentence – 13 years imprisonment Earwaker DCJ</p>
<p>Tuesday 22 November</p>	<p>Court: Cooper P, Miller J, Collins J</p> <p><u>CA576/2021</u> Newsroom NZ Ltd (T J Castle, B J Keith, C Ritchie) v The Solicitor-General (K Laurenson, C P Wrightson) Intervener: Media Freedom Committee (R K P Stewart) Cooke J [2020] NZHC 3441 & [2021] NZHC 1034 <i>Appeal from High Court judgment granting interim injunction to restrain reporting by newsroom in relation to 'reverse uplift' by Oranga Tamariki</i></p>	<p><u>CA10/2021</u> Manchao LI (M Kan) v The King Conviction and Sentence – Life imprisonment, non-parole period of 19 years Jagose J</p>	<p><u>CA599/2016</u> Mihi Isibella BASSETT (I A Jayanandan) v The King Application to withdraw notice of abandonment against sentence - 10 Years' Imprisonment McDonald DCJ</p> <p><u>CA495/2021</u> Samuel Dean FANE (S J Lance, S N Wimsett) v The King Conviction and Sentence – Life imprisonment with an MPI of 17 years van Bohemen J</p> <p><u>CA84/2022</u> T (C G Tuck) v The King Sentence – 4 years 6 months imprisonment Matenga DCJ</p>
<p>Wednesday 23 November</p>		<p><u>CA399/2022</u> Jamie Robert THOMPSON (A M Dooney) v The King Sentence – 3 Years 7 Months Imprisonment Orchard DCJ</p> <p><u>CA176/2022</u> Tremayne SALT (E P Priest) v The King Sentence – 8 years 2 months imprisonment Woodhouse J</p>	<p><u>CA117/2022</u> J (P L Borich KC) v The King Conviction – 2 years 7 months imprisonment Winter, P DCJ</p>

Date	Permanent Court, Wellington Courtroom 1	Divisional Court – Auckland, Courtroom 1 Court: Goddard J, Woolford J, Fitzgerald J	Divisional Court – Auckland, Courtroom 2 Court: Katz J, Mander J, Downs J
Thursday 24 November	Court: Cooper P, Collins J, TBA J	<u>CA619/2018</u> Gabriel YAD-ELOHIM (R M Mansfield KC, B M Gloyn) v The King Conviction – Life imprisonment, MPI 13 years van Bohemen J	<u>CA750/2020</u> David Charles Rae (In Person) v The Commissioner, New Zealand Police (A W Britton, S Mccusker) Cooke J <u>CA188/2022</u> S (N P Chisnall, A S Bloem) v The King Conviction and Sentence Two Years and Four Months Imprisonment Earwaker DCJ <u>CA428/2022</u> Ngoc Hong TRUONG (J C Harder) v The King Conviction & Sentence- \$2,532.55 Reparation, 8 Months Supervision, 5 Months Community Detention Bergseng DCJ
Friday			

COURT OF APPEAL FIXTURE LIST – NOVEMBER 2022

Session Week: Monday 28 November to Friday 2 December

Date	Permanent Court, Wellington Courtroom 1	Permanent Court, Wellington Courtroom 2
<p>Monday 28 November</p> <p><i>(Westland & Chatham Islands Anniversary Days)</i></p>		
<p>Tuesday 29 November</p>	<p>Court: French J, Brown J, Courtney J</p> <p><u>CA371/2021 & CA742/2021 (to be heard together)</u> <u>CA371/2021</u> The Attorney-General (S V Mckechnie, T J Bremner) v Christine Fleming (P J Dale KC, M J Jeffries) Chief Judge Christina Inglis [2021] NZEmpC 77 <u>CA742/2021</u> Director-General of Health (S V Mckechnie, T J Bremner) v Peter Humphreys (P Cranney) Chief Judge Christina Inglis [2021] NZEmpC 217</p>	
<p>Wednesday 30 November</p>	<p>Court: French J, Brown J, Courtney J</p> <p><u>CA371/2021 & CA742/2021 (to be heard together)</u> <u>CA371/2021</u> The Attorney-General (S V Mckechnie, T J Bremner) v Christine Fleming (P J Dale KC, M J Jeffries) Chief Judge Christina Inglis [2021] NZEmpC 77 <u>CA742/2021</u> Director-General of Health (S V Mckechnie, T J Bremner) v Peter Humphreys (P Cranney) Chief Judge Christina Inglis [2021] NZEmpC 217</p>	<p>Court: Miller J, Simon France J, TBA J</p> <p><u>CA386/2022</u> W (S M Grieve) v The King Pre-trial Ruling & s30 Criminal Disclosure Osborne J [2021] NZHC 3472, [2022] NZHC 1745 <i>Case raises issues concerning informer privilege and proper application of s67(2) of the Evidence Act.</i></p>
<p>Thursday 1 December</p>	<p>Court: French J, Brown J, Courtney J</p> <p><u>CA371/2021 & CA742/2021 (to be heard together)</u> <u>CA371/2021</u> The Attorney-General (S V Mckechnie, T J Bremner) v Christine Fleming (P J Dale KC, M J Jeffries) Chief Judge Christina Inglis [2021] NZEmpC 77 <u>CA742/2021</u> Director-General of Health (S V Mckechnie, T J Bremner) v Peter Humphreys (P Cranney) Chief Judge Christina Inglis [2021] NZEmpC 217</p>	
<p>Friday</p>		