

PUBLIC ACCESS:

The Court of Appeal COVID Protocol was rescinded on 21 August 2023. However, if you are unwell, you are encouraged not to attend Court. If you are required to attend Court, please contact the Registry to discuss alternative arrangements.



DISCLAIMER:

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This List has been published as at Thursday 22 March 2024.

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](#). 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 – MARCH 2024

Circuit Week: Monday 4 March to Friday 8 March

Date	Divisional Court – Wellington, Courtroom 1 Court: Ellis J, Gault J, Cull J	Divisional Court – Auckland, Courtroom 2 Court: Courtney J, Dunningham J, Moore J	Divisional Court – Christchurch, Courtroom 11 Court: Thomas J, Whata J, Palmer J
Monday 4 March		<p><u>CA776/2023</u> S (T M Cooper KC, O Kazmierow) v The King Conviction and Sentence – 8 months home detention Sinclair DCJ</p> <p><u>CA607/2022</u> Mohammed Shoiab MULLA (C A Hardy) v The King Conviction – 11 Months 14 Days Home Detention Jelas DCJ</p> <p><u>CA694/2023</u> Jayden WRIGHT (M J Taylor-Cyphers) v The King Sentence – 3 years imprisonment Bennett C DCJ</p> <p><u>CA422/2022</u> David Johnstone, Mark Harborow, Nick Flanagan (N F Flanagan) v Francisc Catalin Deliu (In Person) Harland J [2022] NZHC 467 <i>Appeal by leave of the High Court against order refusing appellants access to money paid as security for costs to meet costs award in another proceeding.</i></p>	<p><u>CA277/2023</u> Evan Richard KAA (J D Lucas) v The King Conviction and sentence – 2 years 10 months imprisonment Gibson DCJ</p> <p><u>CA21/2024</u> T (R M Mansfield KC) v The King Bail Preston J</p> <p><u>CA29/2024</u> H (R M Mansfield KC) v The King Bail Preston J</p> <p><u>CA153/2023</u> C (K J Beaton KC) v The King Sentence – Two years seven months imprisonment M Callaghan DCJ, Nation J</p>
Tuesday 5 March	<p><u>CA112/2023</u> Gary Douglas Mann (L C Ord, D A Ewen) v David Noel Wilson & Anor (M Bale, M W Mcmenamin, G H Allan, O Kiel) Gwyn J [2023] NZHC 44 <i>Judicial review of private prosecution.</i></p> <p><u>CA222/2023</u> W (P A Foster) v The King Conviction – 4 years' imprisonment Rowe DCJ</p> <p><u>CA317/2023</u> Alwyn O'CONNOR (In Person) v The King (C A Brook) Conviction and Sentence – 11 months imprisonment Barry DCJ</p>	<p><u>CA402/2023</u> Gurwinder Singh Bains (P A Mcknight, A J Romanos, J A Langford) v Harnek Singh (R K Stewart, N W Woods) Taylor AJ [2023] NZHC 332 <i>Appeal from refusal to strike out defences of qualified privilege and honest opinion.</i></p> <p><u>CA411/2023</u> Ahmed Alkazaz (In Person) v Deloitte Limited & Ors (S A Armstrong, R J Gordon) Gardiner AJ [2023] NZHC 1592 <i>Appeal from High Court judgment entering summary judgment in defamation proceedings on the grounds of limitation.</i></p>	<p><u>CA514/2021</u> W (B P Kilkelly) v The King (B Thompson) Conviction and Sentence – 14 years and 2 months imprisonment Garland DCJ</p> <p><u>CA664/2023</u> L (P N Allan) v The King Bail Dunningham J</p> <p><u>CA665/2023</u> Brodie CHAMPION (S A Saunderson-Warner) v The King Sentence – 24 months imprisonment Dunningham J</p>

Date	Divisional Court – Wellington High Court CR 10 Court: Ellis J, Gault J, Cull J	Divisional Court – Auckland, Courtroom 2 Court: Courtney J, Dunningham J, Moore J	Divisional Court – Christchurch, Courtroom 11 Court: Thomas J, Whata J, Palmer J
Wednesday 6 March	<u>CA515/2021</u> W (P I Pati) v The King Conviction – 12 years imprisonment Edwards DCJ	<u>CA136/2023</u> Chris Karaitiana WIREMU (In Person) v The King Conviction and Sentence – 6 months supervision Forrest DCJ	<u>CA490/2021</u> Damien Lindsay PAISLEY (R A Harrison, E J Riddell) v The King (P Norman, R P Bates) Conviction and Sentence – 6 years imprisonment Phillips DCJ
	Divisional Court – Wellington, Courtroom 1 Court: Ellis J, Gault J, Cull J	<u>CA500/2023</u> Sergey GIMRANOV (In Person) v The King Conviction – 6 months' community detention, 100 hours community work and \$2000 reparation Lummis DCJ	<u>CA541/2023</u> Kamaljeet SINGH (S J Shamy) v New Zealand Police Conviction – 9 months home detention Harland J, Couch DCJ
	<u>CA708/2020</u> Paul Elvis Rawiri MCLEAN (S Jefferson) v The King (F E Cleary) Sentence – 11 years imprisonment Cathcart DCJ <u>CA795/2023</u> S (In Person) v Chief Executive of the Department of Corrections Habeas Corpus Whata J [2023] NZHC 3464	<u>CA345/2023</u> Sattar Khidhir MUSTAFA (A Spika, G H Vear) v The King Sentence – 2 Years and 6 Months' Imprisonment Bonnar DCJ <u>CA50/2023</u> Carey John MARSHALL (G H Vear) v The King Sentence – 16 Years and 6 Months' Imprisonment with an MPI of 10 Years Doogue J	<u>CA544/2023</u> Peter AH TONG (K J Beaton KC) v The King Sentence – 7 Years Imprisonment Gilbert DCJ
Thursday 7 March	<u>CA239/2023</u> Ruth Renton Weine and Michael David Hofmann-Body, as trustees of the Ruth Weine Family Trust (M Freeman) v Tadd Management Limited (T M Braun, J M Perry, F Collins) Gwyn J [2023] NZHC 764 <i>Appeal from High Court judgment concerning claims for misrepresentation and mistake in relation to a building's earthquake rating.</i>	<u>CA281/2023</u> Kun Liu (G P Blanchard KC, A West, J Ku) v Zhengxi Hu (In Person) Gardiner AJ [2023] NZHC 972 <i>Appeal against summary judgment for money payable under agreement for sale and purchase of land.</i> <u>CA463/2023</u> Gene Tamati Rehu Rawiri FRASER (M J Taylor-Cyphers, G D Burns) v The King Sentence – 4 Years 4 Months Imprisonment Snell DCJ <u>CA721/2023</u> K & Anor (J M Walters, R J Marchant) v The King Pre-trial ruling: Admissibility of evidence CPA s101 Hassan DCJ	<u>CA14/2023 & CA24/2023 (to be heard together)</u> <u>CA14/2023</u> Alana Jane BAMBER (K H Cook) v The King Conviction and Sentence – Life Imprisonment with a minimum period of imprisonment of 13 Years <u>CA24/2023</u> Joshua Dylan MORRIS-BAMBER (J R Rapley KC, D M Kirby) v The Application to withdraw notice of abandonment Nation J <u>CA600/2023</u> The King (R K Thomson, T C Didsbury) v W (K H Cook, D M Kirby) Question of Law Gilbert DCJ [2023] NZDC 19528
Friday			

COURT OF APPEAL FIXTURE LIST – MARCH 2024

Circuit Week: Monday 11 March to Friday 15 March

Date	Divisional Court – Wellington, Courtroom 1 Court: French J, Palmer J, Cooke J	Divisional Court – Auckland, Courtroom 1 Court: Katz J, Dunningham J, Gault J	Divisional Court – Auckland, Courtroom 2 Court: Gilbert J, Whata J, Churchman J
Monday 11 March <i>(Taranaki Anniversary Day)</i>	<u>CA471/2023</u> Michael Craig BOWEN (G Prentice) v The King Conviction and Sentence – 100 hours community work Crowley DCJ <u>CA70/2024</u> O (In Person) v Chief Executive of the Department of Corrections Habeas Corpus La Hood J	<u>CA284/2023</u> Anjela Sharma (R J Fowler KC, P J Ryder-Lewis) v Air New Zealand Limited (J Q Wilson, A M Boberg, T M Shiels) Tahana J [2023] NZHC 1005 <i>Appeal from High Court decision dismissing claims in relation to a 12 month ban by Air New Zealand on travel by the appellant.</i>	<u>CA175/2022</u> Tristan Lee TAMATI (J E Carruthers) v The King (K Feltham) Conviction and Sentence – Preventative detention Davidson DCJ, S France J <u>CA294/2023</u> Qing Han (P W Ahern) v Yanyan Cao (G P Blanchard KC, J Kim, S T Chow) Gault J – minute dated 28 April 2023 <i>Appeal in relation to sale process and terms arising out of consent orders made by High Court for sale of a property.</i> <u>CA383/2023</u> T (D B Stevens) v The King Sentence – 8 years 3 months imprisonment Earwaker DCJ
Date	Divisional Court – Wellington, Courtroom 1 Court: French J, Palmer J, Cooke J	Divisional Court – Auckland, Courtroom 1 Court: Katz J, Dunningham J, Gault J	Divisional Court – Auckland, <u>Courtroom 12</u> Court: Gilbert J, Whata J, Churchman J
Tuesday 12 March	<u>CA438/2023</u> Gregory Martin Olliver (S A Barker, P R Chisnall, E J Watt) v Deputy Registrar of Companies (S P Conway, C D Fuller) Tahana J <u>CA207/2023</u> Patrick HERBERT (S M Kilian) v The King Conviction and Sentence – 2 Years 5 Months Imprisonment Bennett DCJ <u>CA721/2023</u> K & Anor (J M Walters, R J Marchant) v The King Pre-trial ruling: Admissibility of evidence CPA s101 Hassan DCJ	<u>CA523/2022</u> B (B J R Keith) v W (S R Jefferson KC, J Dale) Venning J [2022] NZHC 1267 <i>Appeal from costs award in Care of Children Act/Domestic Violence Act proceedings</i> <u>CA71/2023</u> Kingi RATIMA (S J Gray) v The King Sentence – 10 Years imprisonment, Non Parole Period 5 Years Gordon J	<u>CA98/2021</u> Kasinga FILIVAO (C A Hardy) v The King Conviction and Sentence – 13 Years' Imprisonment McNaughton DCJ

Date	Divisional Court – Wellington, Courtroom 1 Court: French J, Palmer J, Cooke J	Divisional Court – Auckland, Courtroom 1 Court: Katz J, Dunningham J, Gault J	Divisional Court – Auckland, Courtroom 2 Court: Gilbert J, Whata J, Churchman J
Wednesday 13 March	<p><u>CA648/2022; CA4/2023 & CA246/2023 (to be heard together)</u> <u>CA648/2022</u> Anthony Paparoa MOSES (G A Walsh) v The King Sentence – 5 years imprisonment</p> <p><u>CA4/2023</u> Sean Conrad THOMPSON (M James) v The King Conviction and Sentence – 5 Years imprisonment</p> <p><u>CA246/2023</u> Alan Tutere COOPER (J D Bell) v The King Sentence – 5 Years 2 Months imprisonment Lang J</p> <p><u>CA744/2023</u> Stevie MCRAE (G Walsh) v The King Conviction & Sentence – 25 and a half months imprisonment S Clark DCJ</p>	<p><u>CA382/2023 & CA398/2023 (to be heard together)</u> <u>CA382/2023</u> Rong Kang (A S Butler KC, M Chen, J E Lethbridge) v Perpetual Trust Limited & Ors (D H McLellan KC, N L Walker, L C Farmer, F G Wilson, H D Van Schreven, J W Little, J B Kaye, D M Hughes)</p> <p><u>CA398/2023</u> Tiger Alexander Brown (G M Sandelin, G J Angus, L N Milne) v Perpetual Trust Limited & Ors (A S Butler KC, N L Walker, L C Farmer, D H McLellan KC, F G Wilson, H D Van Schreven, J W Little, J E Lethbridge, J B Kaye) Cooke J [2023] NZHC 1501 <i>Challenge to High Court appointment of Perpetual Trust as administrator of estate and their conduct in that role.</i></p>	<p><u>CA293/2023</u> Michael (Aka Maxien) Stevens (G E Minchin) v The Attorney-General on behalf of the Department of Corrections & Anor (E Boshier, S M Kinsler, S K Shaw, J Scragg) Andrew J [2023] NZHC 1051 <i>Judicial review of segregation order said to have been imposed to punish transgender inmate for entering emotional attachments with other prisoners.</i></p> <p><u>CA220/2023</u> Kevin Moore (G E Minchin) v The Māori Land Court & Anor (S W Hughes KC, A P Lawson) Isac J [2023] NZHC 697 <i>Appeal against refusal of judicial review of Māori Land Court decisions relating to partition.</i></p>
Thursday 14 March	<p><u>CA362/2023</u> CY Kennedy & Anor (I Stephenson) v Body Corporate 82981 & Ors (N S Wood, T D Smith) <i>Whether resolution of a Body Corporate was ultra vires under the Unit Title Act 2010 and unfair to the plaintiffs.</i></p> <p><u>CA147/2022</u> Brooke Maurice DUNN (N P Chisnall KC) v The King (J N Hamilton) Conviction and Sentence – 4 Years 3 Months Imprisonment Down DCJ</p>	<p><u>CA224/2023</u> Plumbco Commercial and Civil Limited (M D Branch, L M Fischer) v Plumbco New Zealand Limited & Ors (C R Andrews, M C Staines) Edwards J [2023] NZHC 690 <i>Breach of agreement for sale and purchase of a business.</i></p> <p><u>CA267/2023</u> Y (R M Mansfield KC) v The King Sentence – 12 years 6 months imprisonment with a minimum period of imprisonment of 6 years Krebs DCJ</p> <p><u>CA574/2023</u> S (S J Gray) v The King Sentence – 2 years 4 months imprisonment Lummis DCJ</p>	<p><u>CA211/2023</u> Peter Andrew Dixon & Anor (K A King, W A McCartney) v Takapuna Residence Development Limited (A J Casey, C Zhong) Gardiner AJ [2023] NZHC 624 <i>Liability in damages for lost input GST credit under a contract for sale and purchase of land.</i></p> <p><u>CA331/2023</u> Tyson Shane BROWN (S R Lack) v The King Conviction – Life Imprisonment (with a minimum period of 15 years) Johnstone J</p> <p><u>CA651/2023</u> A (A G Speed) v The King (O A Boivin) Pre-trial ruling: exclusion of evidence Sellars KC DCJ</p>
Friday			

COURT OF APPEAL FIXTURE LIST – MARCH 2024

Session Week: Monday 18 March to Friday 22 March

Date	Permanent Court, Wellington Courtroom 1	Permanent Court, Wellington Courtroom 2
Monday 18 March		
Tuesday 19 March	Court: Goddard J, Ellis J, Wylie J <u>CA645/2022</u> Rasier Operations BV & Ors (P F Wicks KC, K M Dunn) v E Tū Incorporated & Anor (P Cranney, G Liu, E Griffin) Chief Judge Inglis [2022] NZEmpC 192 <i>Whether Uber drivers are employees or contractors in law.</i>	
Wednesday 20 March	Court: Goddard J, Ellis J, Wylie J <u>CA645/2022</u> Rasier Operations BV & Ors (P F Wicks KC, K M Dunn) v E Tū Incorporated & Anor (P Cranney, G Liu, E Griffin) Chief Judge Inglis [2022] NZEmpC 192 <i>Whether Uber drivers are employees or contractors in law.</i>	
Thursday 21 March		
Friday		

COURT OF APPEAL FIXTURE LIST – MARCH 2024

Session Week: Monday 25 March to Friday 29 March

Date	Permanent Court, Wellington Courtroom 1	Permanent Court, Wellington Courtroom 2
Monday 25 March <i>(Otago Anniversary Day)</i>		
Tuesday 26 March		
Wednesday 27 March		
Thursday 28 March	<u>EASTER VACATION</u>	<u>EASTER VACATION</u>
Friday	<u>GOOD FRIDAY</u>	<u>GOOD FRIDAY</u>