

BETWEEN      WYNSTON CHIRNSIDE

First Appellant

BETWEEN      RATTRAY PROPERTIES LIMITED

Second Appellant

AND            RICHARD FAY

Respondent

Coram:            Blanchard J  
                      Tipping J

Counsel:          P F Whiteside for Appellants  
                      H McIntosh for Respondent

Date of Minute:    26 August 2004

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**MINUTE OF THE COURT**

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[1]    Leave to appeal is granted.

[2]    The grounds of the appeal are:

(a)    Whether a fiduciary relationship existed between Mr Chirnside and  
         Mr Fay; and

(b)    If so, whether there was a breach of that fiduciary obligation.

[3]    Security for costs is to be fixed by the Registrar when the appeal and cross-appeal against the High Court's award of damages have been determined as contemplated by para [78] of the Court of Appeal's judgment of 29 June 2004.

[4] The Registrar is not to allocate a hearing date until that determination has been made.

[5] Liberty to apply.

*Solicitors*

Wynn Williams & Co, Christchurch for Appellants

Russell McVeagh, Wellington for Respondent