

IN THE SUPREME COURT OF NEW ZEALAND

**SC 54/2008
[2008] NZSC 89**

BETWEEN RODERICK WILLIAM NIELSEN
 Appellant

AND DYSART TIMBERS LIMITED
 Respondent

Court: Tipping, McGrath and Wilson JJ

Counsel: S P Bryers for Appellant
 C F L Godinet for Respondent

Judgment: 28 October 2008

JUDGMENT OF THE COURT

A The application for leave to appeal is granted.

B The approved ground is:

**(i) Whether the Court of Appeal was correct in deciding that
the exchange of emails at 9:23am and 1:12pm on 9 August
2007 constituted a binding contract of settlement.**

Solicitors:
Ross & Whitney , Auckland for Appellant
John Ropati, Auckland for Respondent