

**IN THE SUPREME COURT OF NEW ZEALAND**

**SC 46/2011  
[2012] NZSC 112**

BETWEEN	NEIL TONY HICKMAN AND ORS First Appellant
AND	DAVID JOHN LESTER AND ORS Second Appellant
AND	ANTHONY COLLINGWOOD AND ORS Third Appellant
AND	NORMAN AND MARIE HERRICK Fourth Appellant
AND	TURNER AND WAVERLEY LIMITED (FORMERLY TURN AND WAVE LIMITED) First Respondent
AND	GREENSTONE BARCLAY TRUSTEES LIMITED Second Respondent
AND	GRAFTON PROJECTS LIMITED (FORMERLY ICON CENTRAL LIMITED) Third Respondent

Court: Elias CJ, Tipping, McGrath, William Young and Anderson JJ

Counsel: P J Dale, N R Campbell and D W Grove for Appellants  
S H Barter for Appellant Herrick  
D J Chisholm and G P Blanchard for First Respondent  
D J Neutze for Second Respondent  
B O'Callahan for Third Respondent

Judgment: 11 December 2012

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**JUDGMENT OF THE COURT**

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**This Court's judgment [2012] NZSC 72 is recalled and a  
substitute judgment is delivered.**

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**REASONS**

In response to memoranda from counsel the orders for costs made in the original judgment have been clarified and varied with the former order F now replaced by orders F, G and H.

Solicitors:

Barter & Co, Auckland for Appellants Norman Herrick and Marie Herrick  
Ellis Law, Auckland for all other Appellants  
CMS Legal, Auckland for Turner and Waverly Limited  
Brookfields, Auckland for Greenstone Barclay Trustees Limited  
Carter & Partners, Auckland for Grafton Projects Limited