

IN THE SUPREME COURT OF NEW ZEALAND

SC 61/2012
[2012] NZSC 101

BETWEEN	NEIL STUART JOHNSTON Appellant
AND	CHRISTOPHER FREDERICK SCHURR First Respondent
AND	DEEM & SHEARER Second Respondent

Court: Elias CJ, William Young and Chambers JJ

Counsel: C R Carruthers QC and E J Hudson for Appellant
B A Corkill QC and P J Mooney for First Respondent
J M Morrison for Second Respondent

Judgment: 27 November 2012

JUDGMENT OF THE COURT

- A The application for leave to appeal is granted in relation to both respondents.**
- B The approved ground is whether the claims against the first and second respondents were properly dismissed.**
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REASONS

[1] Unless the Court otherwise advises counsel, they should assume that the Court will address only issues of liability and, if liability is found, remit the case to the High Court for determination of damages.

[2] The grant of leave encompasses argument as to whether the proposed amendment to add a cause of action in negligence ought to have been permitted.

Solicitors:
Kit Clews, Hamilton for Appellant
Mooney & Webb, New Plymouth for First Respondent
Govett Quilliam, New Plymouth for Second Respondent