

IN THE SUPREME COURT OF NEW ZEALAND

**SC 58/2013
[2013] NZSC 82**

BETWEEN	ZURICH AUSTRALIAN INSURANCE LIMITED T/A ZURICH NEW ZEALAND Applicant
AND	COGNITION EDUCATION LIMITED Respondent

Court: Elias CJ, McGrath and Arnold JJ

Counsel: A R Galbraith QC and M J Francis for Applicant
M G Ring QC for Respondent

Judgment: 21 August 2013

JUDGMENT OF THE COURT

A Leave to appeal is granted.

B The approved ground for appeal is:

Was the Court of Appeal correct to conclude that there will be no dispute for the purposes of art 8(1) of the First Schedule to the Arbitration Act 1996 unless the defendant has an arguable basis for disputing the plaintiff's claim as is sufficient to resist an application for summary judgment?

C The appeal is to be heard on 9 October 2013 at 10.00 am.

Solicitors:
DAC Beachcroft New Zealand Limited, Auckland for Applicant
Legal People, Auckland for Respondent