

IN THE SUPREME COURT OF NEW ZEALAND

SC 92/2014  
[2014] NZSC 156

BETWEEN MARK STEPHEN HOTCHIN  
Applicant

AND THE NEW ZEALAND GUARDIAN  
TRUST COMPANY LIMITED  
First Respondent

PERPETUAL TRUST LIMITED  
Second Respondent

Court: McGrath, William Young and Glazebrook JJ

Counsel: N S Gedye QC and J A MacGillivray for Applicant  
R G Simpson and J Q Wilson for First Respondent  
C Walker and M C Smith for Second Respondent

Judgment: 30 October 2014

---

**JUDGMENT OF THE COURT**

---

- A** The application to appeal is granted (*Hotchin v The New Zealand Guardian Trust Company Limited* [2014] NZCA 400).
- B** The approved question is whether the Court of Appeal was correct to uphold the striking out of Mr Hotchin's third party claims against the respondents.
- 

Solicitors:  
Tompkins Wake, Hamilton for the Applicant  
Bell Gully, Auckland for the First and Second Respondents