IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI

SC 50/2019
[2019] NZSC 117

BETWEEN	SYNLAIT MILK LIMITED Applicant
AND	NEW ZEALAND INDUSTRIAL PARK LIMITED First Respondent
	YE QING Second Respondent

Hearing:	21 October 2019
Court:	Winkelmann CJ, Glazebrook and O'Regan JJ
Counsel:	J G Miles QC and A J Horne for Applicant A R Galbraith QC and D T Broadmore for Respondents
Judgment:	29 October 2019

JUDGMENT OF THE COURT

A **By consent, an order is made substituting Synlait Milk Ltd for Stonehill Trustee Ltd as applicant subject to the conditions set out in the joint memorandum of counsel dated 6 September 2019.**

B **Leave to appeal is granted to Synlait Milk Ltd as applicant (*New Zealand Industrial Park Ltd v Stonehill Trustee Ltd* [2019] NZCA 147).**

C **The approved question is whether the Court of Appeal was correct to reverse the decision of the High Court (*Stonehill Trustee Ltd v New Zealand Industrial Park Ltd* [2018] NZHC 2938).**

D **The application by Synlait Milk Ltd to adduce further evidence will be determined at or after the hearing of the appeal.**

E **Leave is granted for the respondents to file an affidavit or affidavits responding to the evidence that Synlait Milk Ltd seeks to adduce. Such affidavit or affidavits must be filed on or before 15 November 2019.**

REASONS

[1] The Court does not consider it appropriate to determine the application by Synlait Milk Ltd to adduce further evidence at this stage. However, the Court recognises that the respondents seek to adduce evidence in response to Synlait's proposed new evidence. The respondents may file an application to adduce one or more affidavits in response to Synlait's proposed evidence and the affidavits themselves. The Court will hear argument on both applications at the hearing and determine them at or after the hearing.

[2] Counsel should make submissions on the alternative bases that:

(a) leave is given to both parties to adduce new evidence; and

(b) such leave is declined.

[3] We direct the Registrar to amend the Court file by substituting Synlait Milk Ltd for Stonehill Trustee Ltd as applicant (now appellant).

Solicitors:
MinterEllisonRuddWatts, Auckland for Applicant
Buddle Findlay, Auckland for Respondents