

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI

**SC 48/2021
[2021] NZSC 109**

BETWEEN

RICHARD CILIANG YAN
Applicant

AND

MAINZEAL PROPERTY AND
CONSTRUCTION LIMITED (IN
LIQUIDATION)
First Respondent

KING FAÇADE LIMITED (PREVIOUSLY
KNOWN AS RICHINA LAND LIMITED)
(IN LIQUIDATION)
Second Respondent

MAINZEAL GROUP LIMITED (IN
LIQUIDATION)
Third Respondent

ANDREW JAMES BETHELL AND
BRIAN MAYO-SMITH
Fourth Respondents

PETER GOMM
Fifth Respondent

JENNIFER MARY SHIPLEY
Sixth Respondent

CLIVE WILLIAM CHARLES TILBY
Seventh Respondent

PAUL DAVID COLLINS
Eighth Respondent

RICHINA GLOBAL REAL ESTATE
LIMITED (IN LIQUIDATION)
Ninth Respondent

BETWEEN

PETER GOMM
First Applicant

JENNIFER MARY SHIPLEY
Second Applicant

CLIVE WILLIAM CHARLES TILBY
Third Applicant

AND

MAINZEAL PROPERTY AND
CONSTRUCTION LIMITED (IN
LIQUIDATION)
First Respondent

ANDREW JAMES BETHELL AND
BRIAN MAYO-SMITH
Second Respondents

RICHARD CILIANG YAN
Third Respondent

Court: Glazebrook, O'Regan and Ellen France JJ

Counsel: D J Chisholm QC, T P Mullins and T Hu for Mr Yan
J E Hodder QC, M D Arthur and J Marcetic for Mr Gomm, Dame
Jenny Shipley and Mr Tilby
M D O'Brien QC, Z G Kennedy and M D Pascariu for Mainzeal
Property and Construction Ltd and Messrs Bethell and
Mayo-Smith

Judgment: 6 September 2021

JUDGMENT OF THE COURT

- A** Leave to appeal is granted (*Yan v Mainzeal Property and Construction Ltd (in liq)* [2021] NZCA 99).
- B** Leave to cross appeal is granted.
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REASONS

[1] Leave is intended to encompass all of the questions raised in the notices of application for leave to appeal and cross appeal and in the submissions for leave to appeal and cross appeal.

Solicitors:

Lee Salmon Long, Auckland for Mr Yan

Chapman Tripp, Auckland for Mr Gomm, Dame Jenny Shipley and Mr Tilby

MinterEllisonRuddWatts, Auckland for Mainzeal Property and Construction Ltd and Messrs Bethell and Mayo-Smith