

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI

SC 57/2021  
[2021] NZSC 94

BETWEEN

MALCOLM BRUCE  
MONCRIEF-SPITTLE  
First Applicant

DAVID CUMIN  
Second Applicant

AND

REGIONAL FACILITIES AUCKLAND  
LIMITED  
First Respondent

AUCKLAND COUNCIL  
Second Respondent

Court: William Young, O'Regan and Ellen France JJ

Counsel: J E Hodder QC, P A Joseph and J K Grimmer for Applicants  
K Anderson for Respondents

Judgment: 5 August 2021

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**JUDGMENT OF THE COURT**

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- A** Leave to appeal is granted (*Moncrief-Spittle v Regional Facilities Auckland Ltd* [2021] NZCA 142).
- B** The approved question is whether the Court of Appeal was correct to dismiss the appeal against the High Court's substantive decision.
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Solicitors:  
Franks Ogilvie, Wellington for Applicants  
Anthony Harper, Auckland for Respondents