

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI

**SC 149/2021
[2022] NZSC 35**

BETWEEN

MICHAEL JOHN SMITH
Applicant

AND

FONTERRA CO-OPERATIVE GROUP
LIMITED
First Respondent

GENESIS ENERGY LIMITED
Second Respondent

DAIRY HOLDINGS LIMITED
Third Respondent

NEW ZEALAND STEEL LIMITED
Fourth Respondent

Z ENERGY LIMITED
Fifth Respondent

NEW ZEALAND REFINING COMPANY
LIMITED
Sixth Respondent

B T MINING LIMITED
Seventh Respondent

Court: Glazebrook, O'Regan and Williams JJ

Counsel: D M Salmon QC and D A C Bullock for Applicant
D R Kalderimis and N K Swan for First Respondent
S J P Ladd and B A Keown for Second Respondent
B G Williams and A Hill for Third Respondent
D T Broadmore for Fourth Respondent
T D Smith and A M Lampitt for Fifth Respondent
A J Horne for Sixth Respondent
R J Gordon and A S Kirk for Seventh Respondent

Judgment: 31 March 2022

JUDGMENT OF THE COURT

- A** Leave to appeal is granted (*Smith v Fonterra Co-Operative Group Ltd* [2021] NZCA 552).
- B** The approved question is whether the Court of Appeal was correct to dismiss the appeal and allow the cross appeal.
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Solicitors:

Lee Salmon Long, Auckland for Applicant
Chapman Tripp, Wellington for First and Fifth Respondents
Bell Gully, Auckland for Second Respondent
Chapman Tripp, Christchurch for Third Respondent
Buddle Findlay, Auckland for Fourth Respondent
MinterEllisonRuddWatts, Auckland for Sixth Respondent
MinterEllisonRuddWatts, Wellington for Seventh Respondent