

NOTE: PUBLICATION OF NAME, ADDRESS, OCCUPATION OR IDENTIFYING PARTICULARS OF COMPLAINANT PROHIBITED BY S 203 OF THE CRIMINAL PROCEDURE ACT 2011. SEE <http://www.legislation.govt.nz/act/public/2011/0081/latest/DLM3360350.html>

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

**SC 76/2023
[2023] NZSC 136**

BETWEEN	DAMON EXLEY Applicant
AND	NZME PUBLISHING LIMITED First Respondent
	THE KING Second Respondent

Court: Glazebrook, O'Regan and Ellen France JJ

Counsel: L C Ord, S S Pohiva and E T Blincoe for Applicant
T C Goatley and K M Wilson for First Respondent
M J Lillico for Second Respondent

Judgment: 19 October 2023

JUDGMENT OF THE COURT

- A** Leave to appeal is granted (*NZME Publishing Ltd v E* [2023] NZCA 258).
- B** The approved question is whether the Court of Appeal was correct to quash the High Court takedown order.
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REASONS

[1] This Court issued a judgment in July 2023 partially suspending the operation of the Court of Appeal's order quashing the High Court's takedown order until the

applicant's application for leave to appeal could be dealt with.¹ The applicant's trial has since concluded. As a result, the question of the takedown order has become moot in this particular case. We nonetheless consider that it raises a point of public importance and, as such, leave to appeal has been granted.

Solicitors:
Ord Legal, Wellington for Applicant
Bell Gully, Auckland for First Respondent
Crown Law Office, Wellington for Second Respondent

¹ *E (SC 76/2023) v NZME Publishing Ltd* [2023] NZSC 85 (Glazebrook, O'Regan and Ellen France JJ).