

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC 98/2023
[2023] NZSC 147

BETWEEN TRACEY JANE CRIDGE AND MARK
ANTHONY UNWIN
Applicants

AND STUDORP LIMITED
Respondent

BETWEEN KATRINA MCKELLAR FOWLER AND
SCOTT WOODHEAD
Applicants

AND STUDORP LIMITED
First Respondent

AND JAMES HARDIE NEW ZEALAND
LIMITED
Second Respondent

Court: Glazebrook, Williams and Kós JJ

Counsel: J A Farmer KC and E S K Dalzell for Applicants
No appearance for Respondents

Judgment: 2 November 2023

JUDGMENT OF THE COURT

- A** The application for extension of time for leave to appeal against *Cridge v Studorp Ltd* [2023] NZCA 365 is granted.
- B** Any application must be filed on or before 20 working days after the Court of Appeal's judgment on the substantive appeal.
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REASONS

[1] On 14 August 2023 the Court of Appeal dismissed the applicants' application to adduce further evidence. Brief reasons were given but the Court indicated that fuller reasons would be included in the judgment on the substantive appeal.¹

[2] The applicants seek an extension of time to apply for leave to appeal against this judgment until 20 working days after the Court of Appeal's judgment on the substantive appeal is delivered.

[3] The extension is sought because, in the event that the substantive appeal is dismissed and leave is sought to appeal against that judgment, it may be necessary also to seek leave to challenge the dismissal of the application to adduce further evidence.

[4] We are told that the respondents agree to the extension of time, without prejudice to their position on any leave application and on any subsequent appeal.

[5] In those circumstances, the application for an extension of time to apply for leave to appeal is granted. Any application must be filed on or before 20 working days after the Court of Appeal's judgment on the substantive appeal.

Solicitors:
Dalzell Wollerman, Wellington for Applicants
Chapman Tripp, Auckland for Respondents

¹ *Cridge v Studorp Limited* [2023] NZCA 365 (French, Brown and Gilbert JJ).