

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC 127/2024
[2025] NZSC 130

BETWEEN	KEA INVESTMENTS LIMITED Appellant
AND	KENNETH DAVID WIKELEY First Respondent
	WIKELEY FAMILY TRUSTEE LIMITED (IN INTERIM LIQUIDATION) Second Respondent
	ERIC JOHN WATSON Third Respondent
	WIKELEY INCORPORATED Fourth Respondent
	USA ASSET HOLDINGS INCORPORATED Fifth Respondent

Counsel: J B M Smith KC, M C Harris and J L W Wass for Appellant
First Respondent in person
M D Arthur and J Marcetic for Second Respondent
A E Kirk as counsel assisting the Court

Judgment: 30 September 2025

**JUDGMENT OF WILLIAMS J
(ADJOURNMENT APPLICATION)**

- A The application for adjournment is dismissed.**
- B Costs are reserved.**
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REASONS

[1] On 19 September 2025 the first respondent, Mr Wikeley, applied for a 90-day adjournment of the two-day fixture commencing on 5 November 2025 in the Kea Investments Ltd appeal.¹ He also sought a corresponding 90-day adjustment to timetabling. In support of his application, Mr Wikeley referred to the burden of responding to multiple extant proceedings involving Kea Investments Ltd in Australia and New Zealand. He said the proceedings are “overwhelming” him. He also referred to a letter from his GP dated 26 March 2024 in which the writer described Mr Wikeley’s health problems: heart disease, hypertension, diabetes, related diabetic neuropathy and complications from prostate surgery. The writer considered that stress from facing multiple legal battles in Australia, the United States and New Zealand was affecting Mr Wikeley’s physical and mental health at that stage.

[2] Mr Wikeley’s application is opposed by the appellant and second respondent.

[3] While the GP’s letter is 18 months old, Mr Wikeley remains engaged in multiple legal proceedings in three jurisdictions, and I have no reason to believe his chronic health problems have improved since March last year. Nonetheless, I am not satisfied an adjournment is warranted. Although Mr Wikeley is self-represented, the issue in the appeal before this Court is a narrow legal one. Further, and in light of the character of the appeal, this Court has seen fit to appoint senior counsel, Ms Kirk, to assist, this to ensure that the Court is fully appraised of such arguments as may properly be made. These two factors mean the burden on Mr Wikeley as first respondent is much reduced.

[4] In the alternative, on 29 September 2025 Mr Wikeley requested an extension for filing submissions until 7 October 2025. This matter can be dealt with by the Registrar under r 5A of the Supreme Court Rules 2004.

¹ The application mistakenly refers to the fixture date as 5 December 2025.

[5] I note that the appellant, with the support of the second respondent, has also applied to adduce further evidence. Counsel assisting submits this application should be declined. This matter will be addressed at the substantive hearing.

Result

[6] The application for adjournment is dismissed.

[7] Costs are reserved.

Solicitors:
Gilbert Walker, Auckland for Appellant
Chapman Tripp, Auckland for Second Respondent