

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC 127/2024
[2025] NZSC 75

BETWEEN	KEA INVESTMENTS LIMITED Applicant
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

Court:	Winkelmann CJ, Williams and Miller JJ
Counsel:	J B M Smith KC, M C Harris and J L W Wass for Applicant First Respondent in person M D Arthur and J Marcetic for Second Respondent No appearance for Third, Fourth and Fifth Respondents
Judgment:	4 July 2025

JUDGMENT OF THE COURT

- A** **Kea Investments Ltd’s application for leave to appeal is granted (*Wikeley v Kea Investments Ltd* [2024] NZCA 609, [2024] 3 NZLR 901).**
- B** **The approved question is whether the Court of Appeal was correct to discharge the permanent anti-suit and anti-enforcement injunctions awarded to Kea Investments Ltd in the High Court.**

- C Counsel to assist the Court will be appointed by the Registrar.**
- D The applications to adduce further evidence are dismissed.**
- E The application to extend the stay in *Wikeley v Kea Investments Ltd* [2024] NZCA 686, (2024) 26 PRNZ 667 is granted pending determination of the appeal.**
-

REASONS

[1] This Court received separate applications for leave to appeal a decision of the Court of Appeal,¹ by Kea Investments Ltd (Kea)² and Mr Wikeley respectively. This judgment addresses Kea's application. We have dismissed Mr Wikeley's application in a separate judgment.³

[2] Kea's application for leave to appeal is granted, with the approved question being whether the Court of Appeal was correct to discharge the permanent anti-suit and anti-enforcement injunctions awarded to Kea in the High Court.⁴ The scope of this appeal does not extend to permitting the parties to revisit the findings of the Court of Appeal in respect of which we declined to grant leave to Mr Wikeley in our separate judgment.⁵

[3] Below we address other matters and orders connected to Kea's application.

Counsel assisting

[4] Given the nature and complexity of the appeal, and in light of Mr Wikeley being self-represented, counsel to assist the Court will be appointed by the Registrar.

¹ *Wikeley v Kea Investments Ltd* [2024] NZCA 609, [2024] 3 NZLR 901 (Courtney, Muir and Cull JJ).

² Kea Investments Ltd is a British Virgin Islands company connected to Sir Owen Glenn.

³ *Wikeley v Kea Investments Ltd* [2025] NZSC 76.

⁴ See *Kea Investments Ltd v Wikeley Family Trustee Ltd (in interim liq)* [2023] NZHC 3260 (Gault J).

⁵ For the avoidance of doubt, this includes the fraud, forgery and conspiracy findings.

Mr Wikeley's applications to adduce further evidence

[5] Mr Wikeley applied to adduce affidavits from lawyers (one practising in the British Virgin Islands and the other in Kentucky) which appear to have been filed in separate High Court proceedings.⁶ Kea opposes the admission of these affidavits on the basis that they lack freshness and cogency. Kea also submits the Supreme Court Rules 2004 do not allow for further evidence to be filed on applications for leave. We need not decide that jurisdictional point as we consider the evidence lacks cogency. We would not admit it in any case. Accordingly, we dismiss Mr Wikeley's applications to adduce the affidavits.

Kea's application for a stay

[6] The Court of Appeal granted a stay of the orders made in that Court pending determination of Kea's application for leave to appeal to this Court.⁷ Kea submits that the stay should be extended until determination of its appeal. There are no submissions to the contrary. It is plainly appropriate in the circumstances of this case to extend the stay accordingly.⁸

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

⁶ These proceedings concern an application for directions by the liquidators of Wikeley Family Trustee Ltd (WFTL). The affidavits appear to have been filed on behalf of one of WFTL's creditors.

⁷ *Wikeley v Kea Investments Ltd* [2024] NZCA 686, (2024) 26 PRNZ 667 (Cooke J) at [19].

⁸ Supreme Court Rules 2004, r 30(5).