

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

**SC 6/2026
[2026] NZSC 86**

BETWEEN VORTAC NZ LIMITED
Applicant

AND THE KING
Respondent

SC 24/2026

BETWEEN GRANT STANLEY NICHOLLS
Applicant

AND THE KING
Respondent

SC 25/2026

BETWEEN GRAYSON JAMES OTTAWAY
Applicant

AND THE KING
Respondent

Court: Ellen France, Williams and Kós JJ

Counsel: Grant Stanley Nicholls as representative of Applicant in
SC 6/2026
Applicants in SC 24/2026 and SC 25/2026 in person
M J Lillico for Respondent

Judgment: 1 July 2026

JUDGMENT OF THE COURT

**The application for recall of this Court's judgment of 21 May
2026 (*Vortac NZ Ltd v R* [2026] NZSC 59) is dismissed.**

REASONS

[1] In our judgment delivered on 21 May 2026, we dismissed the applicants' applications for an extension of time to file applications for leave to appeal.¹ The applicants now seek a recall of that judgment.

[2] Recall is sought on the basis the delay in filing the applications for leave was explained. They also say the Court has not properly considered the grounds for leave advanced. They refer, amongst other matters, to evidential issues they say were relevant to their defence.

[3] Nothing raised by the applicants provides very special reason for recall.² As the respondent submits, the claim that the lengthy delay in filing the applications for leave is explained by the applicants' involvement in other litigation has little force. This was not a matter raised in the application for an extension of time and no affidavit has been provided. In any event, the substantive matters advanced by the applicants essentially involve re-litigation of matters raised, and addressed, in the application for leave. That is not a basis for recall.³

Result

[4] The application for recall of this Court's judgment of 21 May 2026 (*Vortac NZ Ltd v R* [2026] NZSC 59) is dismissed.

Solicitors:

Te Tari Ture o te Karauna | Crown Law Office, Wellington for Respondent

¹ *Vortac NZ Ltd v R* [2026] NZSC 59 (Ellen France, Williams and Kós JJ).

² *Uhrle v R* [2020] NZSC 62, [2020] 1 NZLR 286.

³ *Foster v R* [2021] NZSC 130 at [4].