

**IN THE SUPREME COURT OF NEW ZEALAND  
I TE KŌTI MANA NUI O AOTEAROA**

**SC 45/2023**

**BETWEEN**

**PHILIP WILLIAM ROUTHAN and JULIE  
VERONICA ROUTHAN (as trustees for the  
KANIERE FAMILY TRUST)**

Appellants

**AND**

**PGG WRIGHTSON REAL ESTATE LIMITED**

Respondent

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**AGREED CHRONOLOGY**

17 November 2023

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Counsel for the appellants and respondent certify that this chronology contains no suppressed information and is suitable for publication.

## AGREED CHRONOLOGY

Date	Event	Reference
Mid 2009	Mr Cook lists Farm 258 for sale.	HC [12]; CA [27]
09/10.2009	Mr Routhan contacts Mr Daly about purchasing a farm.	HC [11]; CA [33]; [201.0003] [12]
Early 2010	Routhans obtain the CRT brochure, which states Farm 258 is <i>“Averaging 103,000 kgms for the last 3 seasons from approx. 260 cows”</i> .	HC [12]; CA [35]; [201.0004] [17]; [301.0227]
05.2010	2009/10 dairy season ends with Farm 258 having produced 90,337 kgMS. Average production for last three seasons is now 98,729 kgMS.	HC [54]; CA [4]; [303.1824]
Mid 2010	Routhan asks Daly to contact Cook to see if Farm 258 is still for sale and to obtain production details. Routhan provides Daly with the CRT brochure.	HC [14]; CA [36]; [201.0005] [23]
07.09.2010	Daly meets Cook. HC finds Cook did not confirm production for the 2009/10 season at this meeting, and at most said production had <i>“been pretty consistent for the last couple of years after a peak when I had an outstanding farm manager”</i> . No agency agreement is signed.	HC [31]; CA [37]–[38]; [202.0344] [14]
07.09.2010	Daly tells Routhan he has secured the listing and there is no change to average production for the 2009/10 season. Routhan asks Daly to prepare a written proposal for financing purposes.	HC [17], [24]; CA [39]–[40]; [201.0006] [30]
09.2010	Daly provides the Routhans with the Routhan Prospectus for Farm 258 and another farm, Casa Finca. This states regarding Farm 258: <i>“Production: Average last 3 years 103,000 kg/ms from 260 cows”</i> and <i>“Approx half herd wintered off and 115 bales baleage made on”</i> . Daly also updates the Farm 258 dairy share to match the production figure.	HC [18]–[19]; CA [41]; [305.2914]; [201.0008] [41]; [202.0513] [5]–[6]
09.2010	Routhans seek finance from Rabobank, providing the Routhan Prospectus.	HC [20]; CA [42]; [201.0009] [47]–[48]
10.09.2010	Mr Bishop prepares indicative <i>“financial forecast and analysis”</i> reports for the purchase of the Farm in	HC [40]–[41], [206]–[207], [222]–[224]; CA

Date	Event	Reference
	conjunction with Casa Finca and the Trust owned run-off property.	[40]; [202.0361]; [203.1052]; 302.1033; 302.1040; 302.1080
11.10.2010	Daly meets Cook to sign an agency agreement, which Daly backdates. The rural information sheet is not included. Daly leaves a page of the Routhan Prospectus (called, at trial, the 'West Coast sheet') with Cook. Cook declines to confirm production information at the meeting. Instead, he tells Mr Daly he needs to check production.	HC [26]; CA [44]; [302.1075]; [203.1002] (24–29)
13.10.2010	Routhans undertake site visit of Farm 258.	HC [20]; [201.0012] [66]
18.10.2010	Mr Routhan is provided a copy of a 'particulars of real estate form', prepared by Daly's PGG manager, which lists production as 103,000 kgMS. This states a signed agency agreement is attached, but the rural information sheet is missing.	HC [36]; CA [47]; [302.1089]; [201.0011] [63]–[65]
18.10.2010	Cook signs SPA for Farm 258. Routhans sign next day.	HC [33]; CA [45]; [302.1093]
10.11.2010	Purchase of Farm 258 becomes unconditional.	HC [35]; CA [51]; [303.1279]
24.11.2010	Rabobank approves finance for the purchase of Farm 258 and Casa Finca (but the Casa Finca purchase does not proceed).	HC [37]–[44]; CA [51]; [303.1303]
20.12.2010	Purchase settles and Routhans take possession of Farm 258.	HC [44]; CA [54]; [201.0013] [76]
Unknown later date	Cook returns 'West Coast sheet' to PGG with production average amended. This is not provided to the Routhans.	HC [22], [55]; CA [44]; [305.2944]; [201.0011] [62]
05.2011	Production for the 2010/11 season is 85,159.08 kgMS. Routhans do not yet know the true historical production and begin trying various methods to increase production.	HC [46]–[52]; CA [63]–[66]; [305.2677]; [201.0013] [77]–[78]

Date	Event	Reference
25.11.2011	Concerned about the quality of the cows, the Routhans advise Cook it wishes to terminate its cow lease agreement. Cook sues for wrongful cancellation.	HC [53]; CA [59]–[62]; [201.0019] [104]–[107]
30.11.2011	Rabobank records current production is lower than anticipated; identifies various possible reasons.	[303.1500]
05.2012	Production for the 2011/12 season is 80,118.11 kgMS.	HC [26]; CA [5];
05.2013	Production for the 2012/13 season is 79,046.79 kgMS.	[305.2677]
05.2014	Production for the 2013/14 season is 88,503.89 kgMS.	
16.11.2014	Routhans discover the production misrepresentation in the course of the cow lease arbitration.	HC [54]; CA [62]; [201.0019] [107]; [304.1901] [147]–[148]; [303.1768]
10.04.2015	Rabobank downgrades the Routhans’ credit position to “substandard” and places them under Special Asset Management and begins closely controlling spending.	HC [183]; CA [69]; [303.1864]; [201.0017] [94]
11.2015	Daly admits to Routhan that Cook did not confirm the production figures.	[201.0021] [119]–[121]
11.09.2017	Rabobank requires the Routhans to put their properties on the market. Farm 258 is marketed for sale in 2018.	HC [60]; CA [6], [55], [71]; [201.0023] [127]
20.03.2019	Routhan drafts account of further meeting with Daly. Daly confirmed it was an accurate account in cross-examination.	[304.2478]; [201.0022] [125]–[126]; [203.0987] (3–5)
12.2020	Routhans sign SPAs for Farm 258 and the run-off.	HC [60]; CA [75]; [201.0023] [128]