

[2] The respondent applied to strike out the applicants' claim and/or for summary judgment on its defence. Associate Judge Christiansen found that all of the applicants' claims were statute barred, as the causes of action arose no later than July 2008 and the proceeding was commenced more than six years after that date.¹ He rejected arguments that the contract and engagement remained on foot, that a reasonable discoverability approach should be applied or that, even if more than six years has elapsed from the time the causes of action arose, the Court should refuse summary judgment in the exercise of its discretion. He also rejected an argument that the respondent had contracted out of the requirements of the Limitation Act 1950. The arguments that the contract remained on foot were essentially fact-specific and it is not necessary to recount this factual background for present purposes.

[3] The applicants appealed to the Court of Appeal. That Court dismissed the appeal, essentially upholding the High Court's view that all of the causes of action accrued by July 2008 at the latest, and were therefore statute barred.²

[4] The Court of Appeal dismissed an application by the applicants to adduce new evidence in support of their appeal and also awarded costs against the applicants.

[5] The applicants seek leave to commence three separate appeals in this Court, against the Court of Appeal's decision dismissing the application to adduce new evidence, the Court of Appeal substantive decision and the Court of Appeal's decision awarding costs. In truth these were all aspects of the same Court of Appeal decision and could be addressed in a single appeal to this Court. However, we will consider each in turn.

[6] The Court of Appeal's decision to dismiss the application to adduce new evidence involved the application of well-settled law to the particular facts. No point of public importance arises and we see no appearance of a miscarriage.

¹ *Sonsram Trustee Ltd v Harrison Grierson Consultants Ltd* [2016] NZHC 581.

² *Sonsram Trustee Ltd v Harrison Grierson Consultants Ltd* [2017] NZCA 264 (Harrison, Venning and Simon France JJ).

[7] The Court of Appeal's substantive decision involved a detailed analysis of the consultancy contract and the action by the respondent's employee in relation to that contract to establish when the proposed causes of action in contract and tort accrued. Again, it did not involve the consideration of any novel point of law and was specific to the facts of the present case. It largely involved findings of fact that were concurrent with those of the High Court. We do not see any point of public importance arising, and nor do we see any sufficient prospect of success in an appeal to this Court to justify the granting of leave.

[8] The Court of Appeal's decision to award costs was unexceptional, given the outcome of the appeal to that Court.

[9] We do not consider that the criteria for the grant of leave to appeal to this Court are made out.³ We therefore dismiss the application for leave to appeal.

[10] We award costs of \$2,500 to the respondent.

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³ Senior Courts Act 2016, s 74; Supreme Court Act 2003, s 13.