

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI

**SC 105/2019
[2019] NZSC 140**

BETWEEN SOUTHERN RESPONSE EARTHQUAKE
SERVICES LIMITED
Applicant

AND BRENDAN MILES ROSS AND COLLEEN
ANNE ROSS
Respondents

Court: Glazebrook, O'Regan and Ellen France JJ

Counsel: T C Weston QC and K M Paterson for Applicant
P G Skelton QC, K M Quinn and C B Pearce for Respondents

Judgment: 9 December 2019

JUDGMENT OF THE COURT

**A The application for leave to appeal is granted
(*Ross v Southern Response Earthquake Services Ltd* [2019]
NZCA 431).**

**B The approved ground of appeal is whether the Court of
Appeal was correct to allow the appeal.**

REASONS

[1] The appeal will raise questions about the principles applicable to deciding whether representative claims proceed on an opt in or opt out basis. We consider that we may be assisted by submissions from the New Zealand Law Society and the New Zealand Bar Association on those principles. Accordingly, we invite the New Zealand Law Society and the New Zealand Bar Association to intervene if they wish to do so.

We direct the Registrar to bring the appeal to the attention of both organisations and to provide them with a copy of this judgment.

Solicitors:
Buddle Findlay, Christchurch for Applicant
GCA Lawyers, Christchurch for Respondents