

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI

SC 118/2019
[2020] NZSC 14

BETWEEN LAMBIE TRUSTEE LIMITED
Applicant

AND PRUDENCE ANNE ADDLEMAN
Respondent

Court: Glazebrook, O'Regan and Ellen France JJ

Counsel: D A T Chambers QC for Applicant
A S Ross QC and R A Rose for Respondent

Judgment: 4 March 2020

JUDGMENT OF THE COURT

- A Leave to appeal is granted on whether the Court of Appeal was correct to order the applicant to disclose to the respondent any legal opinions and other advice obtained by the trustees of the Lambie Trust and funded by the Trust (*Addleman v Lambie Trustee Ltd* [2019] NZCA 480, (2019) 5 NZTR ¶¶29-016).**
- B The approved question is whether the Court of Appeal was correct to reject the applicant's claims of legal advice privilege and litigation privilege respectively.**
- C In all other respects, the application for leave to appeal is dismissed.**
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REASONS

[1] We do not consider the criteria for the grant of leave to appeal are met in relation to the orders to disclose financial statements and minutes of meetings (subject

to any necessary redactions).¹ The Court of Appeal's decision in relation to those documents was an application of this Court's recent decision in *Erceg v Erceg* and there is no reason for us to revisit that decision.² Nor do we see any appearance of miscarriage in relation to those aspects of the Court of Appeal's decision.

[2] We ask counsel for the applicant to include in her submissions to the Court such general information about the nature of the legal opinions and other advice as possible, so that the Court has a proper context in which to consider the privilege issues. For the avoidance of doubt, we confirm the Court does not seek to view the documents themselves. The hearing will be confined to issues of principle only.

Solicitors:
Kemps Weir Lawyers, Auckland for Applicant
Bell Gully, Auckland for Respondent

¹ Senior Courts Act 2016, s 74.

² *Erceg v Erceg* [2017] NZSC 28, [2017] 1 NZLR 320.