

IN THE SUPREME COURT OF NEW ZEALAND

SC 39/2016
[2016] NZSC 58

BETWEEN HAMISH MCINTOSH
 Applicant

AND JOHN HOWARD ROSS FISK AND
 DAVID JOHN BRIDGMAN
 Respondents

Court: Elias CJ, William Young and O'Regan JJ

Counsel: J R Harkness for Applicant
 M G Colson for Respondents

Judgment: 26 May 2016

JUDGMENT OF THE COURT

**A Leave to appeal and to cross-appeal is granted
 (*McIntosh v Fisk* [2016] NZCA 74).**

B The approved questions are:

**(i) Whether an order should have been made setting
 aside all or part of the payment made by Ross Asset
 Management Limited (RAM) to the applicant and
 requiring the applicant to pay the relevant amount
 to the respondents.**

**(ii) If so, whether the order should have been to set
 aside the payment of all of the \$954,047 paid to the
 applicant or \$454,047, being the difference between
 the amount paid to the applicant and the \$500,000
 he invested with RAM.**

REASONS

[1] The approved questions are intended to allow both the applicant and the respondents to raise all issues outlined in their respective notices of application for leave.

[2] A one day fixture has been allocated for the appeal and cross-appeal. The fixture date is Wednesday 27 July 2016.

Solicitors:
Gibson Sheat, Wellington for Applicant
Bell Gully, Wellington for Respondents