

**IN THE HIGH COURT OF NEW ZEALAND
WELLINGTON REGISTRY**

CIV-2006-485-1600

BETWEEN	TODD POHOKURA LIMITED Plaintiff
AND	SHELL EXPLORATION NZ LIMITED First Defendant
AND	OMV NEW ZEALAND LIMITED Second Defendant

On papers

Judgment: 4 November 2009

**JUDGMENT OF DOBSON J
(Recalling judgment of 21 October 2009
on further discovery order against Todd)**

[1] By Memorandum dated 2 November 2009, solicitors for Todd invited me to consider recalling my judgment of 21 October 2009, in relation to the extent of redactions I have decided should continue to be permitted, in respect of document RM.157.002. That Memorandum identifies an inconsistency between recognition of lack of relevance of spreadsheets in one part of the document dealing with S & P Ratios and Ratings, and bank covenant compliance, but omitting to authorise the continued redaction of content on those same points in other parts of the document.

[2] Given that my analysis depended on the unredacted document that had not been seen by counsel for the other parties, there is little point in inviting comment on their behalves.

[3] There is an inconsistency, so far as spreadsheets or graphs on these topics are concerned, that was not intended. Consistency of reasoning entitles Todd to maintain the redactions of Tables 14 (paragraph 7.2.2), 15 and 16 (paragraph 7.2.3) and 17 (paragraph 7.3.2). I consider that oversight to be within the limited situations in which recall of this aspect of the relevant 21 October 2009 judgment is warranted.

[4] For the avoidance of doubt, I direct the Registry to despatch to solicitors for Todd, with a copy of this decision on this recall of paragraph [14] of my 21 October 2009 judgment, the extent of further redactions that my earlier judgment should have accepted as being justified.

[5] I have not extended the permitted redactions to the text in paragraphs 7.2.2 and following of the document. This is because the relevance attributed to the topics covered and explaining their inclusion in the paper is potentially relevant to the overall analysis of the recommendation to invest in the Pohokura field, whereas the detail behind those comments set out in the tables I have accepted should be redacted is not relevant.

Dobson J

Solicitors:

Russell McVeagh, Wellington for the plaintiff

Minter Ellison Rudd Watts, Wellington for the first defendant

Simpson Grierson, Wellington for the second defendant