

On-sold Class Action - April 2026

While there may not have been much to see in the way of progress with the class action, there has been a lot of activity in the court to try and bring forward the hearing date and reduce trial to a sensible length. As usual, EQC (now called Natural Hazards Commission or NHC) and their lawyers, Russell McVeagh, have been doing all they can to continue to delay matters.

EQC asked court for a 34 day trial

EQC originally said it needed a 40 day hearing to defend this proceeding, this was later reduced to 35, then 34 days. This is still an outrageously long amount of time for a proceeding of this complexity.

EQC said they needed this time as they will be calling 19 witnesses to give evidence, however the purpose of those witnesses, what they will say, and how they will assist the court has not been specified. Grant Shand pointed out that 14 of the 19 witnesses would provide no assistance to the court.

Grant Shand said it should take 5 to 10 days for the hearing, this being a single house where EQC already admits the repair costs exceed the cap. The only issue to determine is whether EQC owes future purchasers a duty of care for its botched repairs and inadequate scopes.

EQC has had trial durations set for this very same issue in other proceedings with anywhere between 5 days and 15 days being set by the court (15 days being set down for the *Gibling* trial which EQC was to use as a test case for on-solds, however EQC settled with the Giblings by paying them their full repair cost in cash the week before the trial was due to start).

The issue with a long trial duration is that the available court dates are much further out into the future. A fact EQC's lawyers are no doubt aware of.

Regardless of this, and all the other evidence supplied to the court by Grant Shand, the court in its judgment of 15 May 2025 (see the judgment [here](#)) allowed EQC their requested 34 day trial with a fixture date of 12 April 2027.

The judgment went against precedent and makes absolutely no sense.

Judgment appealed

The decision was made to appeal the judgment of 15 May 2025. First leave to appeal the judgment needed to be made to the High Court (i.e., we needed to ask the same High Court judge who wrote the judgment to admit he got it wrong). Unsurprisingly leave to appeal the judgment was dismissed on 15 August 2025 (see the judgment [here](#)).

The next step was to appeal directly to the Court of Appeal. An application was made on 12 September 2025 and submissions in support of the application was made on 10 October 2025.

The Court of Appeal have advised that this case will be determined on the papers (i.e., lawyers are not required to present) by 2 Court of Appeal judges in the week beginning 9 March 2026. We are currently awaiting their decision.

Leaving the Class Action

We have had a small number of enquiries from class members who wish to leave the class action as they are selling their property, or their circumstances have changed.

We just want to remind everyone that it costs nothing to be part of the class action, and we will not force you to remain part of the class action if you do not wish to.

However, as the High Court administers the list of class members, anyone who wishes to leave the class action has to write to the Registrar of the High Court in Christchurch, their email address is christchurchhc@justice.govt.nz. The Registrar will then ask both EQC and Grant Shand if they oppose the class members wishes to leave - it will not be opposed by Grant Shand and there will be no cost to leave.

While we would like all class members to remain part of the class action, we will not force you to remain part of it against your wishes.