

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

**CIV 2015-409-000145  
[2015] NZHC 530**

BETWEEN JORDAN TERRENCE KENNEDY by his  
litigation guardian SHANE JOSEPH  
KENNEDY  
First Applicant

AND JACK MCGOWAN BELL by his  
litigation guardian ANTONY  
MCGOWAN BELL  
Second Applicant

AND JUSTIN BOYLE  
First Respondent

AND THE BOARD OF TRUSTEES OF  
ST BEDE'S COLLEGE  
Second Respondent

Hearing: 23 March 2015

Appearances: A D Marsh for Applicants  
A M McCormick for Respondents

Judgment: 23 March 2015

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**JUDGMENT OF DUNNINGHAM J**

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[1] This morning I heard an urgent application for an interim injunction which was dealt with on a Pickwick basis. The orders sought were:

(a) an order that the applicants be represented by their litigation guardians, Shane Joseph Kennedy and Anthony McGowan Bell;

(b) an order that the respondents be prevented from implementing the decision to prevent the applicants from rowing at the 2015 Maadi Cup; and

(c) costs of the application.

[2] An oral order seeking name suppression for the boys was also made at the outset of the telephone conference.

[3] Because of the urgency of the matter, including the first race that one of the boys is to participate in is to take place at 11.28 am this morning, I heard the matter by telephone commencing shortly after 9.00 am, and made oral orders at the conclusion of the hearing. Given the true commitment I did not give reasons for my decision contemporaneously but advised that reasons for my decision would issue shortly. I will endeavour to issue those later today.

[4] Having read the applicants draft statement of claim, the affidavit of Shane Joseph Kennedy in support, the undertaking as to damages from the applicant and the applicant's supporting memorandum, and having heard from Mr McCormick for the respondents, I order:

- (a) that the applicants be represented by their litigation guardians, Shane Joseph Kennedy and Anthony McGowan Bell;
- (b) an interim injunction is granted preventing the respondents from implementing the decision to prevent the applicants from rowing at the 2015 Maadi Cup;
- (c) there is to be no order suppressing the applicants' names;
- (d) costs are reserved.

Solicitors:  
Saunders Robinson Brown, Christchurch  
Brandts-Giesen McCormick, Rangiora