

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

**CIV-2014-404-003072
[2014] NZHC 2970**

BETWEEN RAY WHITE (REAL ESTATE) LIMITED
First Plaintiff

CAREY STEWART SMITH
Second Plaintiff

AND WONOK OH also known as GRACE OH
Defendant

Hearing: 26 November 2014

Appearances: H Fulton for Plaintiff
No appearance for Defendant

Judgment: 26 November 2014

ORAL JUDGMENT OF VENNING J

Solicitors: Howard Smith & Co, Auckland
Copy to: H Fulton, Auckland
Defendant

[1] This is an application for interim injunction. The plaintiffs allege they have been defamed or damaged by the defendant publishing a statement by a signboard she displays in public spaces. On the ordinary meaning of it the plaintiffs say the defendant's statement attributes deliberate and deceptive damage by the plaintiffs towards her.

[2] The application is supported by an affidavit of Carey Smith, which attaches as an exhibit, a photograph of the defendant in action with the sandwich board confirming some of the complaints that the plaintiffs refer to in support of their proceeding.

[3] The defendant was served with the proceedings on 21 November 2014. That included this application for interim injunction and advice that it was to be called this morning. There is no appearance this morning of or on behalf of the defendant. On the information before the Court I am satisfied that the plaintiff has an arguable cause of action in defamation and injurious falsehood against the defendant. The balance of convenience favours the grant of an injunction.

[4] While the defendant is entitled under the Bill of Rights to freedom of speech that is not an unrestricted right and does not extend to the type of activity referred to in the material before the Court.

[5] Damage of this nature is insidious and difficult to quantify.

[6] For those reasons I am satisfied the injunction sought ought to be granted. An injunction will issue in accordance with the order sought in paragraph 1.2 of the application.

[7] The plaintiff is entitled to costs on a 2B basis together with disbursements as fixed by the Registrar.

Venning J

