

- 1 The applicant seeks special leave to appeal from a judgment of the Court of Appeal of the Supreme Court of New South Wales (Bell CJ, Kirk and Adamson JJA), which dismissed an appeal from part of a judgment of the Supreme Court of New South Wales (Nixon J, the "primary judge") which found in favour of the first respondent in respect of the unpaid balance of a loan guaranteed by the applicant. The application seeks to impugn the primary judge's interlocutory decision to grant leave to the first respondent to amend his Commercial List Statement. No issue was taken with that grant of leave at trial.
- 2 The application concerns a matter of practice and procedure yet raises no compelling circumstances¹ justifying a grant of special leave. It also raises no question of law of public importance and has insufficient prospects of success.
- 3 Special leave to appeal is refused with costs.

Gageler CJ
Gordon J
Edelman J
Steward J
Gleeson J
Jagot J
Beech-Jones J

7 May 2026

¹ Cf *Paringa Mining & Exploration Co plc v North Flinders Mines Ltd* (1998) 165 CLR 452. See also *Del Borrello v Friedman & Lurie* [2013] HCASL 86; *Setka v Abbott* [2015] HCATrans 151.