

IN THE SUPREME COURT OF NEW ZEALAND

SC 2/2013  
[2013] NZSC 24

BETWEEN	VINCENT ROSS SIEMER Appellant
AND	MICHAEL STIASSNY First Respondent
AND	KORDA MENTHA Second Respondent

Court: McGrath, William Young and Glazebrook JJ

Counsel: Applicant in person  
D Salmon and D Nilsson for Respondents

Judgment: 26 March 2013

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**JUDGMENT OF THE COURT**

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**The application for recall is dismissed.**

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**REASONS**

[1] Mr Siemer applies for the recall of this Court's judgment of 7 March 2013.<sup>1</sup>

[2] The recall application is on the basis that:

- (a) the judgment commented on the jurisdiction of the Court of Appeal without hearing from Mr Siemer; and
- (b) the judgment did not address one of the grounds put forward by Mr Siemer.

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<sup>1</sup> *Siemer v Stiassny* [2013] NZSC 11.

[3] As to the first point, the comment regarding the Court of Appeal's jurisdiction was made following a decision by this Court that it lacked jurisdiction to hear the proposed appeal. The comment was thus not essential to the decision. In any event, the decision of Wild J was clearly made under s 61A(3) of the Judicature Act 1908 and not (as Mr Siemer submits) under s 61A(1).

[4] As to the second point, all of Mr Siemer's submissions were considered by the Court. The conclusion in the judgment was that none of the matters raised by Mr Siemer point to a risk of a possible miscarriage of justice and that there were no issues of public or general importance.<sup>2</sup>

[5] The application for recall is dismissed.

Solicitors:  
LeeSalmonLong, Solicitors for the Respondents

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<sup>2</sup> At [5] and [6].