

IN THE SUPREME COURT OF NEW ZEALAND

**SC 81/2007
[2008] NZSC 1**

BETWEEN BRONWYN ESTATE LTD AND ORS
 Applicant

AND GARETH RUSSEL HOOLE AND ORS
 Respondents

Court: Elias CJ, Blanchard and Tipping JJ

Counsel: Mr P A Darby in person
 M D Arthur and B J Burt for Respondents

Judgment: 8 February 2008

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed with costs of \$1,500 to the Respondents.

REASONS

[1] The applicants have appealed to the Court of Appeal against a judgment of the High Court ordering payment of costs in relation to the making of an Anton Piller order against the applicants.

[2] The Registrar of the Court of Appeal has fixed security for costs on that appeal payable by the appellants in the sum of \$4,470. Upon review, the Registrar's decision was confirmed by Wilson J.

[3] The present application for leave to appeal is against Wilson J's decision.

[4] We are satisfied that a decision of a single Judge of the Court of Appeal is, in terms of s 7 of the Supreme Court Act 2003, “[a] decision made in the proceeding” and thus amenable to an appeal, by leave, to this Court.

[5] However, there is plainly no matter raised by the application which satisfies the criteria for leave established by s 14 of that Act. Wilson J’s decision was an entirely orthodox application of settled principles. No issue of public or general importance is raised by the present application and there is no appearance of any miscarriage of justice in relation to the fixing of security for costs in what can only be described as a modest amount.

Solicitors:
Chapman Tripp, Auckland for Respondents