

IN THE SUPREME COURT OF NEW ZEALAND

SC 39/2012
[2012] NZSC 56

BETWEEN	VINCENT ROSS SIEMER Applicant
AND	MICHAEL RICHARD HERON First Respondent
AND	RUSSELL MCVEAGH Second Respondent
AND	FORCE 1 SECURITY LIMITED Third Respondent
AND	SIONE TAMAKI Fourth Respondent
AND	PIO SAMI Fifth Respondent

Court: Tipping, McGrath and William Young JJ

Counsel: Applicant in Person
R G Simpson and T L Clarke for First and Second Respondents
P F Wicks for Third, Fourth and Fifth Respondents

Judgment: 18 July 2012

JUDGMENT OF THE COURT

- A The application for leave to appeal is refused.**
- B The applicant is to pay the First and Second Respondents costs of \$2500.00.**

REASONS

[1] The applicant, Vincent Ross Siemer, seeks leave to appeal directly to this Court from a decision of Keane J in the High Court. In that decision the Judge

refused to dispense with security for costs in the High Court in respect of an appeal to that Court from a decision of the District Court which itself had fixed security for costs in respect of proceedings in that Court. Keane J carefully addressed the issues before him. The proposed appeal raises no matter of principle or general public importance. The issues are concerned with the application of settled principles to the facts of this particular case. Furthermore, the stringent criteria for an appeal directly to this Court from the High Court are not met. There are no exceptional circumstances justifying an appeal directly to this Court.

[2] Mr Siemer's references to correspondence and problems he has had with the Court of Appeal cannot affect the legal principles which s 14 of the Supreme Court Act 2003 requires us to apply. Nor can these matters amount to exceptional circumstances within the compass of that section. The application for leave must therefore be dismissed with costs.

Solicitors:

Bell Gully, Auckland for First and Second Respondents

Swarbrick Beck Mackinnon, Auckland for Third, Fourth and Fifth Respondents