

IN THE SUPREME COURT OF NEW ZEALAND

**SC 56/2012
[2012] NZSC 91**

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

Court: Elias CJ, William Young and Chambers JJ

Counsel: Applicant in person
T L Clarke for First and Second Respondents
P F Wicks for Third, Fourth and Fifth Respondents

Judgment: 30 October 2012

JUDGMENT OF THE COURT

A The application for leave to appeal is dismissed.

B The applicant is to pay to the respondent costs of \$2,500 plus all reasonable disbursements to be fixed, if necessary, by the Registrar.

REASONS

[1] The proposed appeal arises out of a judgment of Keane J fixing security for costs¹ on an appeal from a judgment of the District Court also dealing with security for costs.² The security required to be provided by Mr Siemer for the appeal to the High Court was \$800. An application for leave to appeal direct to this Court was dismissed³ as was a later recall application.⁴ Mr Siemer has also challenged the judgment of Keane J in the Court of Appeal.⁵ In respect of that appeal, the Acting-Registrar declined to dispense with security for costs and Wild J later dismissed an application for review. The result is that Mr Siemer is required to provide security for costs in the sum of \$11,200. He now seeks leave to appeal from the judgment of Wild J.

[2] The circumstances of the case were carefully reviewed by Wild J. The proposed appeal does not raise an issue of public or general importance and there is no appearance of error. The criteria specified in s 13(2) of the Supreme Court Act 2003 are not met.

Solicitors:
Bell Gully, Auckland, for First and Second Respondents

¹ *Siemer v Heron* HC Auckland CIV-2010-404-6880, 17 March 2011.

² *Siemer v Heron* DC Auckland CIV-2008-004-0479, 4 December 2008.

³ *Siemer v Heron* [2012] NZSC 56.

⁴ *Siemer v Heron* [2012] NZSC 64.

⁵ *Siemer v Heron* CA103/2012, 8 August 2012.