

IN THE SUPREME COURT OF NEW ZEALAND

SC 46/2015  
[2015] NZSC 116

BETWEEN RICHARD JOHN CRESER  
Applicant

AND JANINE MICHELLE CRESER  
First Respondent

THE OFFICIAL ASSIGNEE  
Second Respondent

Court: Glazebrook, Arnold and O'Regan JJ

Counsel: Applicant in person  
First Respondent in person

Judgment: 29 July 2015

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**JUDGMENT OF THE COURT**

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- A The application for recall is dismissed.**
- B The Registrar is directed not to accept for filing any further applications for recall.**
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**REASONS**

[1] On 16 July 2015, this Court dismissed Mr Creser's application for leave to appeal against a decision of Cooper J relating to security for costs.<sup>1</sup> On 21 July 2015, this Court dismissed an application for recall of that decision.<sup>2</sup>

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<sup>1</sup> *Creser v Creser* [2015] NZSC 104.

<sup>2</sup> *Creser v Creser* [2015] NZSC 108.

[2] On 22 July 2015, this Court dismissed a further application for recall and an application for further orders, including applications for joinder of a number of respondents.

[3] Mr Creser has filed yet another application for recall. To a large extent, this application is on the same grounds as the previous recall applications. As such it is an abuse of process.

[4] Mr Creser also seeks to raise allegations of bias against members of the Court and makes an application for joinder of Brandons Lawyers, a Wellington-based law firm. No reason is given why these allegations were not raised at the time of the leave application or why the application for joinder of Brandons Lawyers was only made at this stage. It is not acceptable to raise on a third recall application matters that could have been raised earlier.<sup>3</sup>

[5] As to the allegations of bias, Mr Creser now says that O'Regan J had a conflict of interest because his brother is a principal of Brandons Lawyers, the last solicitor on the record acting for the first respondent. The first respondent was, however, not represented before Cooper J or before this Court.<sup>4</sup>

[6] Mr Creser also alleges that all three of the members of the Court are biased, apparently on the basis that the members of the Court have decided cases against Mr Creser in the past and also that Mr Creser's arguments in his previous applications in this matter were not accepted. Neither of these grounds constitute bias or an appearance of bias.

## **Result**

[7] The applicant's third application for recall is dismissed.

[8] The Registrar is directed not to accept for filing any further applications for recall in this matter.

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<sup>3</sup> See *Siemer v O'Brien* [2015] NZSC 89 at [3].

<sup>4</sup> We are not to be taken as necessarily accepting that there would have been a conflict even if Brandons Lawyers had been acting.