

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI

**SC 92/2021
[2021] NZSC 106**

BETWEEN MARK ANTHONY WHITTINGTON
Applicant

AND UDC FINANCE LIMITED
Respondent

Court: William Young, Ellen France and Williams JJ

Counsel: Applicant in person

Judgment: 27 August 2021

JUDGMENT OF THE COURT

The application for a stay is dismissed.

REASONS

[1] In the High Court, in an order made by Associate Judge Lester on 25 March 2021, the applicant, Mr Whittington, was adjudicated bankrupt.¹ The bankruptcy decision followed the non-payment of a costs order of \$4,590.98 imposed in relation to proceedings Mr Whittington brought against UDC Finance Ltd which he then discontinued. Subsequently, Associate Judge Paulsen declined Mr Whittington's application to stay the adjudication order pending appeal.²

[2] Mr Whittington filed an appeal against the bankruptcy decision in the Court of Appeal. Mr Whittington was required to pay security for costs in respect of that appeal. He sought dispensation from payment of security. That application was

¹ *UDC Finance Ltd v Whittington* [2021] NZHC 627.

² *UDC Finance Ltd v Whittington* [2021] NZHC 1141.

declined by the Deputy Registrar and the Deputy Registrar's decision was upheld on review by Collins J.³ He has filed an application for leave to appeal to this Court against the judgment of Collins J.

[3] Mr Whittington has now sought a stay of the adjudication. Assuming, for these purposes, that the application comes within r 30 of the Supreme Court Rules 2004, we are satisfied that there is no basis for exercising the stay jurisdiction. That is because nothing in Mr Whittington's application provides support for that course. At the highest, Mr Whittington makes generalised and unsupported claims of a miscarriage of justice. None of the matters raised warrant a stay.

[4] The application for a stay is dismissed.

³ *Whittington v UDC Finance Ltd* [2021] NZCA 362.