

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI

SC UR 10/2021

[2021] NZSC 61

RE

KATHRYN LEE CULLUM
Applicant

Counsel: Applicant in person

Judgment: 11 June 2021

JUDGMENT OF GLAZEBROOK J

**The application for review of the Deputy Registrar's decision
refusing to waive the filing fee is dismissed.**

REASONS

Introduction

[1] Ms Cullum applies for an extension of time for leave to appeal against a judgment of the High Court of 23 March 2021.¹

[2] On 28 April 2021, the Deputy Registrar of this Court declined Ms Cullum's application for a waiver of the \$400 interlocutory application filing fee. This was because he considered the proposed appeal raises issues specific to Ms Cullum and he was not satisfied that the proposed appeal concerned a question of law of general or public importance.²

[3] On 26 May 2021, Ms Cullum applied for a review of the Deputy Registrar's decision.

¹ *Cullum v Barfoot* [2021] NZHC 601 (Powell J) [HC judgment].

² This meant that the requirement set out in reg 5(2)(b)(1) of the Supreme Court Fees Regulations 2003 was not met.

Powell J's decision

[4] Powell J set out the relevant background to the case in the following passage:³

I have previously dismissed the applicant Ms Cullum's application for leave to appeal on this file⁴ and subsequently declined an application for leave to appeal my decision to the Court of Appeal.⁵ I have also previously struck out another application for leave to appeal by Ms Cullum in *Cullum v Gordon*.⁶ Ms Cullum nonetheless pursued both matters to the Court of Appeal where she was told that she had no right to bring any further appeal on the *Cullum v Gordon* matter,⁷ while the Court of Appeal ultimately declined to accept for filing her application for special leave to appeal the *Cullum v Barfoot* matter on the grounds it was plainly abusive.⁸ An application to recall that judgment was also dismissed.⁹

[5] He then explained that Ms Cullum had attempted to file further documents in the High Court. He said:¹⁰

Undeterred, Ms Cullum has now filed further documents in the High Court. It is difficult to understand exactly what she is seeking from this Court but her overall intention appears to be to ultimately pursue both the *Cullum v Barfoot* and *Cullum v Gordon* matters in the Supreme Court, and also appears to take issue with the refusal of the District Court to decline a stay of proceedings in the meantime.¹¹

[6] The Judge, in light of the background, struck out the documents as an abuse of process. He said:¹²

Given the effect of my earlier decisions and the decisions of the Court of Appeal, to the extent that Ms Cullum seeks to revisit either *Cullum v Barfoot* or *Cullum v Gordon*, this is without doubt an abuse of process that must be, and is, struck out. To the extent Ms Cullum is purporting to challenge the decision of Judge M B Sharp on the refusal to grant a stay, no reason has been identified as to why Her Honour's decision was incorrect and on the contrary, given Ms Cullum's appeal rights have been effectively exhausted, there can be no grounds for any stay in relation to either of these proceedings. Therefore, to the extent that Ms Cullum has sought leave to appeal the stay decision her application is also dismissed.

³ HC judgment, above n 1, at [1].

⁴ *Cullum v Barfoot* [2020] NZHC 2777.

⁵ *Cullum v Barfoot (Application for leave to appeal)* [2020] NZHC 3507.

⁶ *Cullum v Gordon* [2020] NZHC 1261.

⁷ *Cullum v Gordon* [2020] NZCA 624 at [8].

⁸ *Cullum v Barfoot* [2021] NZCA 53 at [7]–[8].

⁹ *Cullum v Barfoot* [2021] NZCA 76.

¹⁰ HC judgment, above n 1, at [2].

¹¹ *Cullum v Barfoot & Thompson* [2021] NZDC 2985.

¹² HC judgment, above n 1, at [3].

[7] In addition, the Judge commented that the documents filed were abusive and, as such, a further abuse of the process of the Court.¹³ The Judge directed the Registry not to accept any further documents on the relevant matters for filing.¹⁴

My assessment

[8] In light of the above background, the Deputy Registrar was clearly correct in his assessment and, indeed, the application for leave to appeal is an abuse of process.

Result

[9] The application for review of the Deputy Registrar's decision refusing to waive the filing fee is dismissed.

¹³ At [4].

¹⁴ At [5].