

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC 110/2023
[2023] NZSC 155

BETWEEN ROSANNE ARMITAGE
Applicant

AND STYLO MEDICAL SERVICES LIMITED
Respondent

Court: Glazebrook, Ellen France and Kós JJ

Counsel: Applicant in person
R O Parmenter for Respondent

Judgment: 30 November 2023

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

REASONS

[1] An Associate Judge declined to strike out or stay liquidation proceedings against Hum Hospitality Ltd.¹ Hum is controlled by the present applicant. She sought to bring an appeal against that decision in the Court of Appeal. In doing so she sought a waiver of the \$7,060 security for costs ordered by the Court or an order reducing security and deferring the date by which it is payable. A Deputy Registrar declined that application. A Judge thereafter declined an application for review of the Deputy Registrar's decision.²

[2] The applicant submits Hum is a social enterprise advancing wellbeing initiatives for the community. She complains the Judge failed to make her own

¹ *Stylo Medical Services Ltd v Hum Hospitality Ltd* [2023] NZHC 463 (Associate Judge Brittain).

² *Armitage v Stylo Medical Services Ltd* [2023] NZCA 425 (Courtney J).

de novo assessment of the criteria for waiver and made other diverse errors of reasoning as to the standard for review and considerations relevant to it.

Our assessment

[3] This proposed appeal from a decision relating to security for costs does not meet the criteria for leave. It turns entirely on the particular facts of the litigation below and neither involves a matter of general or public importance nor a matter of general commercial significance.³ Nor are we satisfied that the complaints of error are sustainable such that a substantial miscarriage of justice may have occurred in the decision below.⁴ Given the protracted history of the litigation between these parties, including a number of abandoned appeals, it is orthodox for the respondent to have the bare protection of security for costs if this appeal proceeds and then either is abandoned or fails.⁵ It is not therefore necessary in the interests of justice for the court to hear and determine the appeal.⁶

Result

[4] The application for leave to appeal is dismissed.

Solicitors:
Winston Wang & Associates, Auckland for Respondent

³ Senior Courts Act 2016, s 74(2)(a) and (c).

⁴ Section 74(2)(b).

⁵ *Reekie v Attorney-General* [2014] NZSC 63, [2014] 1 NZLR 737 at [21].

⁶ Senior Courts Act, s 74(1).