

NOTE: PURSUANT TO S 139 OF THE CARE OF CHILDREN ACT 2004, ANY REPORT OF THIS PROCEEDING MUST COMPLY WITH SS 11B, 11C AND 11D OF THE FAMILY COURT ACT 1980. FOR FURTHER INFORMATION, PLEASE SEE <https://www.justice.govt.nz/family/family-court/after-the-family-court/restrictions-on-publishing-information/>

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

**SC 33/2025
[2025] NZSC 100**

BETWEEN CLOVER
Applicant

AND MOSS
Respondent

Court: Ellen France, Williams and Kós JJ

Counsel: Applicant in person
No appearance for Respondent

Judgment: 7 August 2025

JUDGMENT OF THE COURT

- A The application for leave to file supplementary submissions is declined.**
- B The application for leave to appeal is dismissed.**
- C There is no order as to costs.**
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REASONS

[1] In 2019, the Family Court made a final parenting order in respect of Ms Clover's daughter.¹ Ms Clover sought to appeal that order to the High Court in 2023, over four years out of time. Accordingly, she applied for an extension of time

¹ *[Moss] v [Clover]* [2019] NZFC 7380 (Judge Black). We adopt the same pseudonyms used for the parties in the Court of Appeal.

under the High Court Rules 2016.² The High Court declined her application.³ Ms Clover then appealed the High Court's extension decision to the Court of Appeal. Her appeal was dismissed.⁴

[2] Ms Clover now seeks leave to appeal to this Court. She submits there were numerous factual and legal errors in the Court of Appeal's judgment. She says many of these errors flow from alleged errors in the High Court's extension decision, many of which, in turn, flow from alleged errors made in the Family Court. The alleged errors are that the Courts below dismissed or gave inadequate consideration to a number of allegations raised by Ms Clover, including alleged incidents of assault, sexual abuse, perjury, defamation, judicial bias and other unlawful actions. She also addresses issues regarding child support and allegations made against her which she says are false, alongside her reasons for filing out of time. Ms Clover submits there has been a substantial miscarriage of justice (the impacts of which are ongoing) such that it is necessary in the interests of justice for this Court to hear and determine her intended appeal.⁵

Analysis

[3] We consider there are insufficient prospects of success to justify granting leave. Ms Clover's submissions largely reiterate allegations she has already put to the Court of Appeal and other courts. We cannot see a sufficient basis for the suggestion that we should depart from their view on a further appeal. It follows that we do not consider the leave criteria made out in this case.⁶

[4] We note Ms Clover also filed an application for leave to file supplementary submissions. The content of that application demonstrated we would not be assisted by these submissions.

² Rule 20.4.

³ *[Clover] v [Moss]* [2024] NZHC 274 (Cull J).

⁴ *Clover v Moss* [2025] NZCA 46 (Palmer, Peters and Edwards JJ). The Court of Appeal did not expressly address whether leave to appeal to that Court was required. It seems the Court treated the proceeding as a standalone appeal from the High Court's extension decision, rather than as an intended second appeal from the Family Court: see, albeit in a different context, *Hoeberechts v Commissioner of Inland Revenue* [2023] NZCA 403, (2023) 31 NZTC ¶26-006 at [22]–[23].

⁵ Senior Courts Act 2016, s 74(2)(b) and (1).

⁶ See, in particular, s 74(2)(b).

Result

[5] The application for leave to file supplementary submissions is declined.

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

[7] There is no order as to costs.