IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC 91/2026
[2026] NZSC 143

BETWEEN	ANNA CATHERINE BAKER Applicant
AND	JOHN JACKSON BAKER First Respondent
	SUMIT DESIGN DEVELOPMENTS LIMITED Second Respondent

Counsel: Applicant in person
No appearance for First Respondent
No appearance for Second Respondent

Judgment: 9 October 2026

JUDGMENT OF CAMPBELL J

The application for leave to appeal is struck out.

REASONS

[1] Ms Baker filed an application for leave to appeal to this Court. A Deputy Registrar accepted the application for filing but referred it to me under s 164A(2)(a) of the Senior Courts Act 2016 on the basis that it appeared, on its face, plainly to be an abuse of the process of this Court.

[2] I am satisfied the application is plainly an abuse of the process of this Court. I strike it out under s 164B(2)(a) of the Senior Courts Act. My reasons follow.

Background

[3] The first respondent, Mr Baker, commenced a High Court proceeding against Ms Baker and Sumit Design Developments Ltd (Sumit). When that proceeding was commenced, Ms Baker was the sole director of Sumit and was one of its shareholders.

[4] Ms Baker was adjudicated bankrupt on 12 February 2026. As a result, she ceased to hold office as a director of Sumit and her shares in the company were vested in the Official Assignee.[1]

[5] Owing to Ms Baker's bankruptcy, Mr Baker discontinued his claim against her. He pursued his claim against Sumit.

[6] On 11 May 2026, the High Court gave judgment to Mr Baker on his claim against Sumit, ordering that Sumit sell its half share in a Queenstown property to Mr Baker.[2] The Court recorded that Sumit had not taken any steps in the proceeding for some time and that, despite Ms Baker having held shares in Sumit, the Official Assignee had not taken any steps and did not wish to be heard.[3]

[7] On 13 July 2026, Ms Baker attempted to file in the Court of Appeal, purportedly on behalf of Sumit, an application for an extension of time to appeal, for a stay of execution and for other orders and directions. A Deputy Registrar rejected the application for filing on the basis that it was sought to be filed by Ms Baker, that she was bankrupt and that she was therefore prohibited from commencing court proceedings.

[8] Ms Baker filed an application for review of the Deputy Registrar's decision. Ellis J determined the application.[4] The Judge recorded that Ms Baker had filed a memorandum in which she advised she did not:[5]

> … ask the Court to proceed on the basis that she is presently entitled to act as a director of [Sumit] or to conduct litigation in the company's name.

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1 Companies Act 1993, s 151(2); and Insolvency Act 2006, s 101.
2 *Baker v Baker* [2026] NZHC 1258 (Paulsen J).
3 At [4]–[5].
4 *Baker v Baker* [2026] NZCA 410.
5 At [7].

> She accepts that the consequences of bankruptcy for directorship, share ownership, authority and litigation must be addressed correctly.

[9] The Judge said that, despite that statement, she understood that Ms Baker wished to pursue her application (for an extension of time and for a stay) in "some kind of amended form", directed at ascertaining what had happened with the transfer of the Queenstown property and temporarily preventing any further dealings with it.[6]

[10] The Judge declined Ms Baker's review application, finding that the Deputy Registrar had been right to reject Ms Baker's application for filing. The Judge's primary reasons were:[7]

> [9] … The reality is that Ms Baker was not a party to [the High Court's] decision and has no appeal rights (or potential appeal rights) in relation to it. Ms Baker is neither the owner nor director of Sumit and, even if she were, she would not be permitted, as a layperson, to act on its behalf.

[11] The Judge said that, in any event, the property had been transferred in accordance with the High Court orders "and that matter is spent".[8]

[12] The Judge added:

> [10] By extension, this answer also determines that the Registry should reject for filing all related attempts by Ms Baker to file material and further applications in this matter.

Ms Baker's application for leave to appeal

[13] Ms Baker seeks leave to appeal from the Judge's decision. In her leave application, she says:

> This application does not ask the Supreme Court to permit the applicant to act for [Sumit]. The applicant accepts that, while an undischarged bankrupt, she is disqualified from holding office as a director and that a company is a separate legal person that ordinarily must conduct litigation through lawful corporate authority and legal representation. The proposed appeal is from the Court of Appeal judgment made against the applicant personally, particularly paragraphs [9] and [10], and concerns the legal consequences of the Registrar-review process.

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6 At [8].
7 Footnote omitted.
8 At [9].

[14] In her application and accompanying submissions, Ms Baker sets out four grounds for her proposed appeal. She says the Judge: (i) erred in moving from the agreed proposition that she could not represent Sumit to the conclusion that she had no appeal rights; (ii) misunderstood the effect of other court orders (made in a relationship property proceeding) on her ownership of shares in Sumit; (iii) erred in considering that the transfer of the Queenstown property meant the matter was "spent"; and (iv) erred in directing the Registry to reject for filing all related attempts by Ms Baker to file further material or applications.

[15] Ms Baker says that her proposed appeal raises issues of general or public importance.[9] She also says a substantial miscarriage of justice may have occurred, or may occur, if the appeal is not heard.[10]

Ms Baker's application is plainly an abuse of process and should be struck out

[16] For a proceeding to be plainly abusive in the sense contemplated by s 164B of the Senior Courts Act, "the abuse must be clear beyond doubt from reading the claim".[11] That the proceeding is legally untenable does not, of itself, make the proceeding an abuse of process for the purpose of s 164B.[12] Instances of a plain abuse of process may include "where service of the proceedings would be manifestly unfair to another party or would bring the administration of justice into disrepute".[13]

[17] One of the basic rules of civil justice is that "proceedings must involve claims by persons with a legitimate interest in the subject of the dispute (standing)".[14] If a person plainly lacks standing to bring or continue a proceeding, it would be manifestly unfair to the other parties to the proposed proceeding to expect them to have to respond to it. Also, reasonable observers would think the Court was exercising very poor

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9 Senior Courts Act 2016, s 74(2)(a).
10 Section 74(2)(b).
11 *Te Wakaminenga o Ngā Hapū Ki Waitangi v Waitangi National Trust Board* [2023] NZCA 63, [2023] NZAR 180 at [15], referring to the former rr 5.35A–5.35C of the High Court Rules 2016. This Court quoted that statement with approval in *Wolfe v Governor-General of New Zealand* [2026] NZSC 109 at [25] and, at [31], said that ss 164A–164C of the Senior Courts Act are of similar scope to the former rules.
12 *Wolfe*, above n 11, at [26] approving *Te Wakaminenga o Ngā Hapū Ki Waitangi*, above n 11, at [13].
13 *Donellan v Attorney-General* [2026] NZSC 110 at [15].
14 *Faloon v The Planning Tribunal at Wellington* [2020] NZCA 170 at [2].

control of its processes (and thus the administration of justice would be brought into disrepute) if the Court allowed such a proceeding to commence or continue.

[18] I do not need further submissions to fairly determine whether Ms Baker's application for leave to appeal is an abuse of process and, if so, what the consequence should be.[15] Ms Baker's leave application and accompanying submissions clearly express her proposed grounds of her appeal and identify the reasons she says leave to appeal should be granted.

[19] The underlying High Court proceeding was, by the time of judgment, one solely between Mr Baker and Sumit, the claim against Ms Baker having been discontinued. As a result, Ms Baker has no legitimate interest in an appeal from the judgment and therefore lacks standing to bring an appeal. As the Judge put it, she has no appeal rights in relation to the judgment. For the same reasons, she has no standing to bring an appeal from the Judge's decision.

[20] Ms Baker's first proposed ground of appeal mischaracterises the Judge's reasons. The Judge did not move from the proposition that Ms Baker could not represent Sumit to the conclusion that she had no appeal rights. The Judge treated these points as separate. At [9] of the decision (quoted at [10] above) the Judge explained that Ms Baker has no appeal rights because she was not a party to the High Court judgment. The Judge then made a separate point that Ms Baker is neither a shareholder or director of Sumit and in any event could not represent it.

[21] Ms Baker's other proposed grounds of appeal do not address her lack of standing.

[22] Ms Baker's lack of standing is clear from reading her application and submissions. I am therefore satisfied that her application for leave to appeal is plainly an abuse of the process of this Court.

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15 See *Donellan*, above n 13, at [14(b)].

[23] Given Ms Baker's lack of standing, it would be quite unfair for the respondents to have to respond to her application. It is therefore appropriate that the application for leave be struck out under s 164B(2)(a) of the Senior Courts Act.

Earlier strike-out orders

[24] On 12 May 2026, the High Court made a first strike-out order under s 164B(2)(a) of the Senior Courts Act against Ms Baker.[16] That Court made a subsequent strike-out order against her on 25 September 2026.[17] This means she is restrained from commencing or continuing any civil proceeding without first obtaining the leave of the High Court.[18] Ms Baker filed her leave application, and it was referred to me under s 164A, before the subsequent strike-out order was made and the restraint came into effect. The restraint therefore does not prevent me from considering the referral and determining whether her leave application is plainly an abuse of process and, if so, the consequence.

[25] In this decision I am making another subsequent strike-out order against Ms Baker within two years of the first strike-out order. This means that a further period of restraint in s 164C(4) of the Senior Courts Act is engaged. Accordingly, I will make the statement required by s 164B(4)(b).

Result

[26] The application for leave to appeal is struck out.

[27] Ms Baker is restrained from commencing or continuing a civil proceeding in a senior court, another court or a tribunal without first obtaining the leave of the High Court until the earlier of (i) three years from the date of this strike-out order or (ii) the date the first strike-out order (made on 12 May 2026) is set aside on appeal.[19]

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16 *Baker v Laurenson* [2026] NZHC 1277.
17 *Baker v Queenstown and Southern NZ Realty Ltd trading as Bayleys* [2026] NZHC 2931.
18 Senior Courts Act, s 164C(3).
19 Section 164C.