

IN THE SUPREME COURT OF NEW ZEALAND

SC 46/2015
[2015] NZSC 146

BETWEEN RICHARD JOHN CRESER
Applicant

AND JANINE MICHELLE CRESER
First Respondent

THE OFFICIAL ASSIGNEE
Second Respondent

Court: Elias CJ, William Young, Glazebrook, Arnold and O'Regan JJ

Counsel: Applicant in person
First respondent in person

Judgment: 19 October 2015

JUDGMENT OF THE COURT

The application for review of Glazebrook J's decision is dismissed.

REASONS

Background

[1] On 16 July 2015, the Court dismissed Mr Creser's application for leave to appeal against a decision of Cooper J relating to security for costs.¹ On 21 July 2015, this Court dismissed an application for recall of that decision.²

¹ *Creser v Creser* [2015] NZSC 104 (Glazebrook, Arnold and O'Regan JJ).

² *Creser v Creser* [2015] NZSC 108.

[2] On 22 July 2015, the Court dismissed a further application for recall and an application for further orders, including applications for joinder of a number of respondents.³

[3] On 29 July 2015, the Court dismissed a further application for recall.⁴ To a large extent, this application was on the same grounds as the two previous recall applications. However, Mr Creser also sought to raise allegations of bias against members of the Court and made an application for joinder of another party. In dismissing the third recall application, the Court held the application was an abuse of process.⁵ The Registrar was directed not to accept for filing any further applications for recall in this matter.⁶

[4] After that judgment, Mr Creser attempted to file a further application for recall of this Court's judgment dated 16 July 2015 in *Creser v Creser*. The Registrar refused to accept the application for filing. On 11 August 2015, Mr Creser filed an application for review of the Registrar's refusal to accept the application for recall. In a minute dated 21 August 2015, the Court held that the application was an abuse of process and that no response was required.⁷ The Court also recorded that the application contained threatening and abusive material that appeared to have been designed to influence the Court's decision in the matter.⁸

[5] On 16 September 2015, Mr Creser attempted to file a further application for recall of the Court's judgment dated 29 July 2015 (the third recall application). Correctly anticipating the refusal of the Registrar to accept it for filing, Mr Creser attached a presumptive application to review the Registrar's decision not to accept his application for filing. On 17 September 2015, and notified by letter dated 18 September 2015, Glazebrook J held that there were "[n]o grounds for review" of the Registrar's decision.

³ This decision of Glazebrook, Arnold and O'Regan JJ was notified by letter dated 22 July 2015.

⁴ *Creser v Creser* [2015] NZSC 116 (Glazebrook, Arnold and O'Regan JJ).

⁵ At [3].

⁶ At [8].

⁷ *Creser v Creser* SC 46/2015, 21 August 2015 (Minute) at [3].

⁸ At [3].

[6] On 8 October 2015, Mr Creser filed an application for the review of Glazebrook J's ruling dated 17 September 2015.

Disposition

[7] Pursuant to this Court's judgment dated 29 July 2015, the Registrar was correct to refuse to accept any further applications relating to this matter. Mr Creser has continually flouted and attempted to subvert this order.

[8] The current application, like its antecedents, is an abuse of process. The application for review is therefore dismissed.⁹

⁹ Glazebrook J has participated in the review of her decision under s 28(3) of the Supreme Court Act 2003 on the basis of *Howard v Accident Compensation Corporation* [2014] NZSC 31, (2014) 21 PRNZ 815 at [3]; and *Siemer v Stiassny* [2014] NZSC 80 at [6].