

IN THE SUPREME COURT OF NEW ZEALAND

SC 110/2015
[2015] NZSC 178

BETWEEN FRIEDRICH JOACHIM FEHLING
 Applicant

AND DOUGLAS JOHN APPLEBY
 Respondent

Court: William Young, Glazebrook and O'Regan JJ

Counsel: Applicant in person
 No appearance for Respondent

Judgment: 23 November 2015

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

REASONS

[1] Mr Fehling seeks leave to appeal against:

- (a) a Human Rights Review Tribunal decision;¹ and/or
- (b) the decision of the High Court dismissing his appeal against that decision.²

[2] Mr Fehling's application to the High Court for leave to appeal to the Court of Appeal was dismissed by Naton J.³ His application for special leave to appeal to the Court of Appeal was also dismissed.⁴

¹ *Fehling v Appleby* [2014] NZHRRT 24.

² *Fehling v Appleby* [2014] NZHC 75 (Whata J).

³ *Fehling v Appleby* [2015] NZHC 388.

[3] No appeal to this Court lies from the Court of Appeal's decision to decline leave.⁵

[4] While there may nevertheless be jurisdiction to grant leave for a direct appeal from the High Court decision, this would only be granted in extremely compelling circumstances.⁶

[5] Mr Fehling has not provided any "extremely compelling" reasons why he should be allowed a direct appeal from the High Court. His submissions, instead, seek to re-argue the points of law and fact which have been dismissed by both the High Court and the Court of Appeal.

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

[7] As Mr Appleby indicated he would abide the decision of the Court, there is no order for costs.

⁴ *Fehling v Appleby* [2015] NZCA 428 (Harrison, French and Cooper JJ).

⁵ Section 124(6) of the Human Rights Act 1993 and s 7(b) of the Supreme Court Act 2003.

⁶ *Burke v The Western Bay of Plenty District Council* [2005] NZSC 46, (2005) 18 PRNZ 560 at [5]. See also the requirements of s 14 of the Supreme Court Act 2003.