



New South Wales,<sup>3</sup> the applicant registered the liability judgment in the High Court of New Zealand under the Reciprocal Enforcement of Judgments Act 1934 and sought registration of a later costs judgment. This resulted in the applicants applying to set aside registration of the liability judgment and opposing registration of the costs judgment on the basis that both had been obtained by fraud.

[2] In the High Court, Rodney Hansen J dismissed the application to set aside the liability judgment and granted leave to register the costs judgment.<sup>4</sup> An appeal by the applicants to the Court of Appeal was dismissed<sup>5</sup> and the applicants now seek leave to appeal to this Court.

[3] Such of the applicants' present contentions as were advanced at trial were dealt with convincingly in a comprehensive judgment by the Judge who heard the case in the District Court of New South Wales and by Rodney Hansen J and the Court of Appeal.

[4] For the purposes of the hearing in the Court of Appeal, the applicants sought, unsuccessfully to rely on new evidence. Amongst the material submitted to the Court of Appeal was an affidavit from a private investigator, which concerned his discussion with a woman who had nursed Ms Cato. The private investigator's affidavit was exhibited to an affidavit by one of the applicants. The Court of Appeal noted that the applicants wished to produce a report from a private investigator as to his interview with the nurse but then commented that the investigator's report "was not produced"<sup>6</sup> – a comment that suggests that the exhibit had been overlooked. We see this as being of no moment as there is nothing in the private investigator's affidavit which might have persuaded the Court of Appeal to take a different view of the case.

[5] The reality is that the applicants are seeking to re-run a case which was fully heard in New South Wales. Their principal complaints have been carefully

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<sup>3</sup> The applicants' request for an extension of time for filing a notice of appeal was refused by Barrett JA in *Jaffari v Grabowski* [2012] NSWCA 425. The applicants unsuccessfully sought review of Barrett JA's decision in *Jaffari v Grabowski* [2013] NSWCA 114.

<sup>4</sup> *Grabowski v Jaffari* [2013] NZHC 3417.

<sup>5</sup> *Jaffari v Grabowski* [2014] NZCA 399 (Harrison, Goddard and Andrews JJ).

<sup>6</sup> At [12].

considered in the judgments of Rodney Hansen J and the Court of Appeal. Their proposed appeal does not raise any question of law of public or general importance. As well, there is no appearance of a miscarriage of justice. In relation to this we are not persuaded that there is substance to their complaints as to the fairness of the process adopted by the Court of Appeal. Accordingly the application for leave to appeal is dismissed.

Solicitors:  
Whitlock & Co, North Shore for Respondent