

IN THE SUPREME COURT OF NEW ZEALAND

SC 8/2015
[2015] NZSC 50

BETWEEN VINCENT ROSS SIEMER AND JANE
DINSDALE SIEMER
Applicants

AND KEVIN STANLEY BROWN
First Respondent

M PALMA
Second Respondent

A LOVELOCK
Third Respondent

JANE THEW
Fourth Respondent

REECE SIRL
Fifth Respondent

JULIE FOSTER
Sixth Respondent

JOHN MILLER
Seventh Respondent

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Court: Glazebrook, Arnold and O'Regan JJ

Counsel: V R Siemer in person
A M Powell and E J Devine for First to Fourteenth Respondents
V E Casey for Fifteenth Respondent

Judgment: 5 May 2015

JUDGMENT OF THE COURT

The application for recall is dismissed.

DAVID THOMAS
Eighth Respondent

BRETT OTTO
Ninth Respondent

TREVOR FRANKLIN
Tenth Respondent

JOHN TAYLOR
Eleventh Respondent

JUERGEN ARNDT
Twelfth Respondent

KERWIN STEWART
Thirteenth Respondent

THE ATTORNEY-GENERAL OF NEW
ZEALAND
Fourteenth Respondent

B J REID
Fifteenth Respondent

REASONS

[1] The first named applicant seeks recall of our judgment in relation to his application for leave to appeal.¹

[2] The application for recall is based on what the applicant says was a misstatement of the appeal grounds.

[3] The judgment says:²

The proposed appeal relates to the way the Judge applied the *Saxmere* test to the facts of the case. There is no challenge to *Saxmere* itself ...

¹ *Vincent Ross Siemer and Jane Dinsdale Siemer v Kevin Stanley Brown & Ors* [2015] NZSC 41 [20 April 2015].

² At [3].

[4] The first named applicant says the proposed appeal was a challenge to the Judge's approach in applying the *Saxmere*³ test to his own conduct – a legal requirement of *Saxmere*.

[5] We have reviewed the application for leave. The judgment correctly records that the applicants did not suggest the test in *Saxmere* was wrong or required reconsideration. They sought to challenge the way it had been applied by the Judge.

[6] There was no error in the judgment requiring correction.

[7] The application for recall is therefore dismissed.

Solicitors:
Crown Law Office, Wellington for Respondents

³ *Saxmere Company Ltd v Wool Board Disestablishment Company Ltd* [2009] NZSC 72, [2010] 1 NZLR 35.