

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI

SC 92/2021  
[2021] NZSC 113

BETWEEN MARK ANTHONY WHITTINGTON  
Applicant

AND UDC FINANCE LIMITED  
Respondent

Court: William Young, Ellen France and Williams JJ

Counsel: Applicant in person

Judgment: 10 September 2021

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JUDGMENT OF THE COURT

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**A The application for recall of this Court’s judgment of 27 August 2021 (*Whittington v UDC Finance Ltd* [2021] NZSC 106) is dismissed.**

**B The application to adduce evidence is dismissed.**

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REASONS

[1] The applicant seeks recall of our judgment of 27 August 2021 declining to grant a stay of his bankruptcy adjudication.<sup>1</sup> He also seeks leave to adduce a range of materials in support of his application.

[2] The basis on which the recall application is made appears to be that for some very special reason, justice requires the judgment declining a stay to be recalled.<sup>2</sup>

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<sup>1</sup> *Whittington v UDC Finance Ltd* [2021] NZSC 106.

<sup>2</sup> *Saxmere Co Ltd v Wool Board Disestablishment Co Ltd (No 2)* [2009] NZSC 122, [2010] 1 NZLR 76 at [2], citing *Horowhenua County v Nash (No 2)* [1968] NZLR 632 (SC) at 633. See also *Craig v Williams* [2019] NZSC 60 at [10].

Nothing has been advanced in either the original or amended applications which would warrant a recall of our decision not to grant a stay. Nor do the further materials on which the applicant seeks to rely meet the established guidelines for admissibility in terms of r 40 of the Supreme Court Rules 2004.<sup>3</sup>

[3] The application for recall is dismissed. The application to adduce evidence is dismissed.

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<sup>3</sup> *Airwork (NZ) Ltd v Vertical Flight Management Ltd* [1999] 1 NZLR 641 (CA) at 649–650, endorsed in *Paper Reclaim Ltd v Aotearoa International Ltd (Further Evidence) (No 2)* [2007] NZSC 1, [2007] 2 NZLR 124 at [16].