

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC 56/2024
[2024] NZSC 107

BETWEEN PETER MORRISON STRANGE
(AKA PETER MORRISON PETRYSZICK)
Applicant

AND CASEY FARMS LIMITED
First Respondent

BROSNA FARM LIMITED
Second Respondent

JOTAC LIMITED
Third Respondent

WG BROADBENT & CO TRUSTEES
LIMITED
Fourth Respondent

PB AND BL CASEY PARTNERSHIP
Fifth Respondent

Court: Glazebrook, Ellen France and Miller JJ

Counsel: Applicant in person
No appearance for First Respondent
G N E Bradford for Second, Third and Fifth Respondents
B R Webster for Fourth Respondent

Judgment: 30 August 2024

JUDGMENT OF THE COURT

- A The application for recusal is dismissed.**
- B The application for leave to appeal is dismissed.**
- C The applicant must pay the second, third and fifth respondents one set of costs of \$1,250 and the fourth respondent costs of \$1,250.**
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REASONS

[1] Mr Strange has applied for leave to appeal a judgment of the Court of Appeal declining to extend time for bringing an appeal.¹ He has also brought an application for recusal of all three members of this panel.

Application for recusal

[2] We deal with the recusal application first. It is brought on the grounds of alleged corruption in the handling of previous cases. The application is long and confusing. An associated affidavit does nothing to clarify matters. It is evident that Mr Strange considers that state agencies, especially the New Zealand Police | Ngā Pirihimana o Aotearoa but also Ara Poutama Aotearoa | Department of Corrections, are persecuting him, apparently because he has information about historical corruption in government. So far as any potentially relevant ground is identified, it is that Mr Strange attributes to members of the panel an involvement in covering up past criminal behaviour in Parliament and ill-treatment that Mr Strange allegedly suffered in prison.

[3] The grounds for recusal are immoderate and offensive. No reasonable observer could discern any substance to them. The application also makes many unfounded allegations of corruption against other people who were involved in past criminal proceedings against Mr Strange. The Court might refuse to entertain the recusal application at all on the ground that manifestly untenable and irrelevant personal attacks are an abuse of the protection afforded to speech in court proceedings.² The application for recusal is dismissed.

Application for leave to appeal

[4] The proposed appeal is brought in a proceeding in which Mr Strange seeks to challenge a sale of a farm that had been owned by Mr Strange's father to the fifth respondent. In the High Court, Associate Judge Brittain struck it out, reasoning that it disclosed no cause of action and also that Mr Strange had no standing to bring it

¹ *Strange v Casey Farms Ltd* [2024] NZCA 158 (Courtney and Thomas JJ) [CA judgment].

² See *O'Neill v New Zealand Law Society* [2022] NZCA 500 at [17].

because he was not a party to the transaction and he was neither an administrator nor a beneficiary of his father's estate.³ Mr Strange had previously leased the property but that had come to an end in 2015 and no breach was pleaded; a claim under the lease was also out of time.⁴

[5] The delay in bringing the first appeal was only 18 days.⁵ The Court of Appeal may have granted leave had the claim any merit. But it reasoned, following *Almond v Read*, that the appeal was clearly hopeless because Mr Strange had no interest in the property transaction.⁶

[6] Although the proceeding is a private law claim against non-state actors, the application for leave to appeal seeks to invoke protected human rights. It alleges corruption and fraud against opposing counsel and others. So far as it deals with the transaction, it contends that the property was sold at an undervalue and Mr Strange is seeking to protect the interests of his family. But it remains the case that he is an outsider to the transaction, there being nothing to show that he had a direct or indirect involvement in it, or any legal or beneficial interest in the property, or any interest in his father's estate.

[7] So far as the proposed appeal pursues claims against others, which is unclear, there is no reason to doubt the Associate Judge's conclusion that some of the parties had never been involved with any transaction with Mr Strange, or that his claims presupposed he had an interest in the sale of the farm, or that no wrong was pleaded.⁷

[8] For these reasons, the proposed appeal raises no question of general or public importance and there is no reason to think that there may have been a miscarriage of justice.⁸ To allow the proceeding to continue would be to sanction an abuse of court processes. The application for leave to appeal is dismissed.

³ *Strange v Casey Farms Ltd* [2023] NZHC 3054 [HC judgment] at [17]–[29].

⁴ At [31].

⁵ CA judgment, above n 1, at [16].

⁶ At [26]–[27]. See *Almond v Read* [2017] NZSC 80, [2017] 1 NZLR 801.

⁷ See HC judgment, above n 3, at [20]–[21] and [33].

⁸ Senior Courts Act 2016, s 74(2)(a) and (b).

Result

[9] The application for recusal is dismissed.

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

[11] The applicant must pay the second, third and fifth respondents one set of costs of \$1,250 and the fourth respondent costs of \$1,250.

Solicitors:

M J Walmsley, Paeroa for Second, Third and Fifth Respondents

Morgan Coakle, Auckland for Fourth Respondent