

SUPREME COURT
- 7 NOV 2011
WELLINGTON

IN THE SUPREME COURT OF NEW ZEALAND
AT WELLINGTON

SC 49/2011

BETWEEN

VINCENT ROSS SIEMER

Applicant

AND

MICHAEL PETER
STIASSNY & KORDA
MENTHA (FORMERLY
FERRIER HODGSON)

Respondents

*Application
Dismissed
10/11/11*

*Deborah
Pier
W...*

To the Registrar of the Supreme Court

I, Vincent Ross Siemer, the appellant, in proceedings SC49/2011, apply for recall of the Judgment of the Supreme Court SC49/2011 [2011] NZSC 128 dated 21 October 2011 ("the Judgment"), AS WELL AS the judgment on subject to recall, SC49/2011 [2011] NZSC 63 ("the Leave Judgment").

1. The grounds for recall are:
 - (a) The Judgment reasoning for refusing the legal right to access the transcript is factually false, contradicts established law, and also contradicts the Leave Judgment.
 - (b) The Judgment reasoning for refusing to address evidence in the recall that respondents' counsel materially misled the Court (resulting in a judgment against the appellant being obtained by fraud) – i.e. he had not "explicitly" raised it in the original leave to appeal – is patently false in fact. The proof this is factually false reasoning is evident in the leave judgment, paragraphs [6] & [7].
 - (c) A fundamental breach of the appellant's statutory right to natural justice has occurred, which particularly compels correction under *Atty General v Chapman SC120/2009 [2011] NZSC110*.
 - (d) The resultant miscarriage and refusal by the Court to properly address the evidence this is so undermines the very principles of any honourable and just court.