

BETWEEN                    RICHARD JOHN CRESER  
   Applicant  
  
AND                            JANINE MICHELLE CRESER  
   First Respondent  
  
   THE OFFICIAL ASSIGNEE  
   Second Respondent

Date of Minute:    29 October 2015

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**MINUTE OF WILLIAM YOUNG J  
AS TO ACCESS TO COURT DOCUMENTS**

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[1]     Mr                            has sought “access to the filings and all rulings in sc46/2015 creser v creser.” His request has been referred to me for decision.

[2]     There are four judgments in relation to this application on the courtsofnz site: those of 16 July, 21 July, 29 July and 19 October 2015. Three other decisions are not on the website: (a) a handwritten notation of 22 July 2015 dismissing a second recall application (which also sought some additional orders); (b) a minute of 21 August 2015 addressing a refusal by the Registrar not to accept a further recall application, a refusal made in compliance a direction given by the Court in the judgment of 29 July; and (c) a decision of Glazebrook J of 17 September upholding a refusal by the Registrar to accept an application for recall of the judgment of 29 July. The relevant decisions are described in the judgment of 19 October and Mr Creser was notified of them.

[3]     The Supreme Court Rules 2004 address the delivery of judgments which determine applications for leave to appeal (r 27) and appeals (r 41). These rules do not apply to the determination of other applications, such as recalls.

[4] I have concluded that access to the documents should not be provided. In reaching this conclusion, I have had regard to the approach recently adopted by O'Regan J in respect of a similar request made by [redacted] for access to court documents in respect of another application for leave to appeal. The conduct of Mr Creser in relation to these proceedings has been categorised as being in abuse of process and I am reluctant to take any steps which might facilitate the broader dissemination of material which has been so categorised. As well, what has happened is apparent from the judgments which are on the courtsofnz website.