

IN THE COURT OF APPEAL OF NEW ZEALAND

I TE KŌTI PĪRA O AOTEAROA

**CA534/2019
[2020] NZCA 320**

BETWEEN PETER D'ARCY LORIGAN
 Applicant

AND INFINITY AUTOMOTIVE LIMITED
 Respondent

Court: Gilbert and Collins JJ

Counsel: Applicant in person
 R L Towner for Respondent

Judgment: 31 July 2020 at 9.00 am
(On the papers)

JUDGMENT OF THE COURT

- A The application for leave to appeal is declined.**
- B The applicant must pay the respondent costs for a standard application on a band A basis and usual disbursements.**
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REASONS OF THE COURT

(Given by Collins J)

[1] Mr Lorigan seeks leave to appeal a decision of the Employment Court which stayed two of Mr Lorigan's proceedings against Infinity Automotive Ltd (Infinity) until he paid outstanding costs.¹

¹ *Lorigan v Infinity Automotive Ltd* [2019] NZEmpC 118.

[2] The criteria for leave under the Employment Relations Act 2000 are prescribed in s 214(3):

The Court of Appeal may grant leave accordingly if, in the opinion of that court, the question of law involved in that appeal is one that, by reason of its general or public importance or for any other reason, ought to be submitted to the Court of Appeal for decision.

[3] Mr Lorigan seeks leave to appeal on a number of grounds, including alleged fraudulent conduct by Infinity, bias on the part of the Employment Court, and broader allegations of corruption.

[4] Infinity, in opposition to this application, submits that Mr Lorigan has not raised any question of law of general or public importance as required by s 214(3). The factual errors that Mr Lorigan alleges are not sufficient. Further, this application is an indirect challenge to the underlying costs orders which Mr Lorigan has not sought to challenge.

Analysis

[5] The first criterion for leave in s 214(3) is that the proposed appeal identifies a question of law. Mr Lorigan's application fails to do so. Instead, he wishes to pursue a general appeal on various broad grounds against the Employment Court's judgment.

[6] The second criterion in s 214(3) is that any question of law that is proposed must be one of general or public importance. Nothing in the proposed appeal raises any question of general or public importance. The focus of the proposed appeal is on factual issues which have no significance beyond the present dispute.

[7] Leave may also be granted to appeal on a question of law "for any other reason" under s 214(3). No other reasons can be identified to justify leave being granted.

Result

[8] The application for leave to appeal is declined.

[9] Mr Lorigan is liable for costs on this application.² He is to pay Infinity costs for a standard application on a band A basis and usual disbursements.

Solicitors:
Bell Gully, Auckland for Respondent

² Court of Appeal (Civil) Rules 2005, r 53G(1).