

**IN THE HIGH COURT OF NEW ZEALAND
AUCKLAND REGISTRY**

CIV 2008-404-0104

BETWEEN	VINCENT ROSS SIEMER Plaintiff
AND	MICHAEL PETER STIASSNY First Defendant
AND	FERRIER HODGSON AND CO LTD Second Defendant
AND	THE ATTORNEY-GENERAL Third Defendant

Hearing: 20 March 2008

Appearances: Mr Siemer in person (with McKenzie Friend)
Julian Miles QC and Peter Hunt for First and Second Defendants
Fergus Sinclair for Third Defendant

Judgment: 20 March 2008

JUDGMENT OF HARRISON J

SOLICITORS

McElroys (Auckland) for First and Second Defendants
Crown Law Office (Wellington) for Third Defendant
(copy to: Plaintiff, 27 Clansman Terrace, Gulf Harbour)

COUNSEL

Julian Miles QC

[1] On 9 January 2008 Mr Vincent Siemer filed documents described as a statement of claim, a notice of proceeding and an affidavit in the Auckland registry of this Court. He nominated himself as plaintiff and Mr Michael Stiassny, Ferrier Hodgson & Co Ltd and the Crown as first, second and third defendants. The registry staff raised concerns about the nature and content of the documents but some time later in January 2008 issued service copies of the notice of proceeding.

[2] The document described as a statement of claim purports to raise three causes of action:

- (1) Conspiracy to defeat the course of justice;
- (2) Systematic deprivation of Mr Siemer's legal rights guaranteed by the New Zealand Bill of Rights Act and common law; and
- (3) What is apparently a conspiracy between Mr Stiassny and Ferrier Hodgson to bring a false claim against Mr Siemer.

[3] Mr Siemer seeks the remedy of compensation for, among other things, general damages of \$1.25m, exemplary damages of \$2.15m, aggravated damages of \$200,000, special damages for economic loss yet to be quantified, compensation 'for unjust incarceration at Mt Eden Prison' of \$100,000, an ex gratia payment, interest and costs.

[4] Following service of the notice of proceeding all three defendants filed applications to strike out. The grounds were similar; namely that the pleadings do not disclose reasonable causes of action, are likely to cause embarrassment, prejudice or delay, or are otherwise an abuse of this Court's process.

[5] On 18 March, after the strike out applications had been set down for hearing this morning, Mr Siemer filed what is described as an amended statement of claim without leave. He has purported to add three additional defendants – the Solicitor-General personally, the Judicial Conduct Commissioner, and the Chief Justice. He

has raised additional causes of action for misfeasance in public office and malicious prosecution.

[6] Mr Siemer's documents are in essence a lengthy and discursive litany of personal attacks on the integrity, fitness for office and competence of a number of Judges of this Court, the Court of Appeal and Supreme Court who have previously delivered or participated in the delivery of judgments adverse to him. His thesis, in his own words, is that 'it should be evident to anyone looking at this case that justice cannot be relied upon in New Zealand Courts' (if that is so, there is an unarguable irony in his decision to file this proceeding). Mr Siemer has repeated the same theme in oral argument this morning. He refers to a pattern of abuse, which can only mean abuse of office by Judges in the Court of Appeal. He plainly perceives himself as the innocent victim of a grand and malevolent judicial conspiracy.

[7] A cursory reading of Mr Siemer's documents proves the points advanced in argument by Mr Miles QC for Mr Stiassny and Ferrier Hodgson and Mr Sinclair for the Crown. The documents seek to raise again for argument issues which are already the subject of judicial determination. They seek the collateral advantage of re-litigating complaints under the new guises of allegations of conspiracy, breach of the New Zealand Bill of Rights Act etc. To that extent they stem from an improper motive and are themselves an abuse of process.

[8] The documents are also scandalous. On their face, the allegations or so-called particulars are irrelevant to any recognised or arguable cause of action. They are expressed with such a degree of vitriol as to disqualify them individually or collectively from eligibility for reasoned consideration. A Judge of this Court cannot be expected to pick through a series of disconnected statements in an attempt to create intelligibility where none exists or to dignify them with repetition or reference. It is sufficient to observe that the documents say everything about the author and nothing rational about the conduct or fitness for office of any defendant.

[9] I agree with Mr Miles. The defects in the pleadings are so fundamental that they could never be remedied by amendment. The documents are not only an abuse of process. More importantly, their only apparent purpose is to abuse. A civilised

society provides Courts of law to determine legitimate disputes, not to ventilate malicious grievances against the legal system and anybody associated with its administration.

[10] For these brief reasons the proceeding must be struck out. The pleading is designed to embarrass, and to raise complaints which amount to an abuse of process. And the contents of the documents are themselves scandalous, irrelevant and unintelligible. I should add my satisfaction that none of the so-called causes of action are arguable in law and the Crown, whether the Attorney-General, the Solicitor-General, Chief Justice or the Judicial Conduct Commissioner, are immune from suit. The proceeding is struck out accordingly.

[11] The defendants are entitled to costs. It is obvious that this proceeding was hopeless from its inception. Costs are awarded against Mr Siemer to Mr Stiassny, Ferrier Hodgson and Co and to the Attorney-General separately on an indemnity basis; that is, reasonable solicitor/client costs.

[12] It follows also from my decision that all documents filed by Mr Siemer in this proceeding should be sealed and not disclosed for search or publication elsewhere without further order of the Court, subject to any steps which the Solicitor-General may take as a consequence of Mr Siemer filing the documents.

Rhys Harrison J