

IN THE COURT OF APPEAL OF NEW ZEALAND

I TE KŌTI PĪRA O AOTEAROA

**CA290/2020
[2020] NZCA 294**

BETWEEN	JOHN CHARLES STRINGER Appellant
AND	COLIN GRAEME CRAIG First Respondent
	HELEN RUTH CRAIG Second Respondent
	ANGELA MARIA STORR Third Respondent
	KEVIN ERIC STITT Fourth Respondent
	STEPHEN DYLAN TAYLOR Fifth Respondent

Court: French and Collins JJ

Counsel: Appellant in person
Respondents in person

Judgment: 16 July 2020 at 9 am
(On the papers)

JUDGMENT OF THE COURT

- A The application for an extension of time to appeal under r 29A of the Court of Appeal (Civil) Rules 2005 is granted.**
- B There is no order for costs.**
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REASONS OF THE COURT

(Given by French J)

Introduction

[1] Mr Stringer wishes to appeal a decision of Palmer J in the High Court which dismissed his defamation claim against the respondents.¹

[2] The time for filing the appeal expired on 6 May 2020. However, it was not filed until 22 May 2020. The respondents did not consent to the notice being filed out of time and Mr Stringer then filed an application for an extension of time under r 29A of the Court of Appeal (Civil) Rules 2005.

[3] The application for an extension of time is opposed.

Our view

[4] We are satisfied that in the interests of justice the application should be granted. The delay of 12 working days is short. Contrary to submissions made by the respondents, we consider there is a reasonable explanation for the delay, namely confusion and difficulties regarding filing due to the COVID-19 lockdown. The delay of 12 working days has not caused the respondents any prejudice. The prejudice they identify in submissions of having to defend the appeal and accrue costs is not prejudice caused by the delay.

[5] As regards the merits of the proposed appeal, we note that Palmer J considered the defamation claim was misconceived.² However, while the appeal may appear weak, we are not in a position to say with the necessary degree of certainty that it is in the “hopeless” category so as to warrant declining an extension of time.³

[6] The application for an extension of time is accordingly granted.

¹ *Stringer v Craig* [2020] NZHC 644.

² At [3].

³ *Almond v Read* [2017] NZSC 80, [2017] 1 NZLR 801 at [39].

[7] In the event the application was successful, Mr Stringer sought costs for the payment of the filing fee and expenses. He says the respondents were given an opportunity to consent to the application by Brown J but remained unreasonably obdurate. We acknowledge the point, but Mr Stringer is self-represented and not entitled to an award of costs.

Outcome

[8] The application for an extension of time to appeal under r 29A is granted.

[9] We make no order for costs.