

**IN THE COURT OF APPEAL OF NEW ZEALAND**

**CA573/2017  
[2018] NZCA 4**

BETWEEN                      ANN LORRAINE NEWALL  
    Appellant

AND                                DISTRICT COURT AT MANUKAU  
    Respondent

Court:                             Miller and Brown JJ

Counsel:                         David Newall in person  
    K Laurenson for Respondent

Judgment:                        2 February 2018 at 2.00 pm  
(On the papers)

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**JUDGMENT OF THE COURT**

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**The application for an extension of time under r 43 is dismissed.**

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**REASONS OF THE COURT**

(Given by Miller J)

[1]     On 21 December 2017 Mr Newall, who purports to represent his wife Ann, filed an application for extension of time under r 43. He accompanied it with a “request for disclosure” from the defendant, the District Court at Manukau.

[2]     The application for extension is based on a claim that the Court has disclosed “their information” to Crown Law but not to Mr Newall. This is misconceived. Mr Newall is not entitled to discovery on appeal — he can search the court file as of right — nor should he need further information to comply with the rules.

[3] As Mr Newall is a lay litigant and the proceeding invokes habeas corpus, an extension might ordinarily be granted. But it appears he has brought no fewer than five habeas corpus applications and lacks standing to represent Mrs Newall. The interests of justice do not require an extension.

[4] The application is dismissed, with the result that the appeal is deemed abandoned because Mr Newall did not comply with the rules within the time prescribed.

[5] For completeness, we have had regard to the document filed by Mr Newall titled “Urgent Memorandum/petition to the court for the release of the applicant 29/01/18”. The Registrar is not to accept that document for filing. Habeas corpus applications must be brought in the High Court.

Solicitors:  
Crown Law Office, Wellington for Respondent