

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

**I TE KŌTI PĪRA O AOTEAROA**

**CA534/2019  
[2020] NZCA 56**

BETWEEN                      PETER D'ARCY LORIGAN  
                                         Applicant  
  
AND                                INFINITY AUTOMOTIVE LIMITED  
                                         Respondent

Court:                          Miller and Wild JJ  
  
Counsel:                        Applicant in person  
                                         R L Towner for Respondent  
  
Judgment:                      13 March 2020 at 3.00 pm  
(On the papers)

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**JUDGMENT OF THE COURT**

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- A    Time for the filing of the application for leave to appeal is extended to 14 October 2019.**
- B    No order as to costs.**
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**REASONS OF THE COURT**

(Given by Wild J)

[1]    Under r 16A of the Court of Appeal (Civil) Rules 2005, Mr Lorigan seeks an extension of time to apply to this Court under s 214 of the Employment Relations Act 2000 for leave to appeal.

[2] He wishes to appeal a judgment delivered in the Employment Court by Judge Corkill on 5 September 2019.<sup>1</sup> That judgment stayed two of Mr Lorigan's proceedings against Infinity in the Employment Court until Mr Lorigan paid Infinity past costs awards against him totalling \$14,995, and ordered Mr Lorigan to pay a further \$500 costs on the application.

[3] Mr Lorigan, who is representing himself, filed his leave application in time on 27 September 2019 but this Court's registry rejected and returned the application as it was not accompanied by the required filing fee, nor was there an application to waive that fee. Mr Lorigan sought a fee waiver on 11 October 2019 and this was granted, and the leave application accepted for filing, on 14 October 2019. Unfortunately, the application was by then out of time.

[4] Given that chronology, the Court would normally extend time. But Infinity opposes an extension on the ground that the leave application is bound to fail because it does not meet the criteria set out in s 214(3) of the Employment Relations Act.

[5] Given the extensive background to the employment dispute between the parties, Infinity's assessment may be correct. But we consider Mr Lorigan is at least entitled to have his leave application heard and considered on its merits. The interests of justice dictate that.

[6] Accordingly, we extend time for the filing of the leave application to 14 October 2019 and direct that the application is to be scheduled for hearing. We make no order as to costs.

Solicitors:  
Bell Gully, Auckland for Respondent

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<sup>1</sup> *Lorigan v Infinity Automotive Limited* [2019] NZEmpC 118.