

[2] Ms Dunstan has applied under r 8A of the Court of Appeal (Civil) Rules 2005 for an order that my decision be “rescinded”. Her application is based on two grounds:

- (a) that I am the subject of an unresolved recusal application;
- (b) that the statement in my judgment that the judgment in *Roberts v Cresswell*² was published and available to Ms Dunstan in any event was in error.

[3] I am unaware of any extant recusal application.

[4] Contrary to my then understanding, at the date of my 12 May 2023 decision the judgment in *Roberts v Cresswell* had not been published by the Judicial Libraries of the Ministry of Justice. However I am advised by Judicial Libraries that the judgment was published on 7 June 2023 and is now available for access by Ms Dunstan.

[5] In her application for recall Ms Dunstan further suggests that I acted in breach of the statutory suppression of the names of the parties in *Roberts v Cresswell*. However the names in the judgment are not the parties’ real names but fictitious names.

[6] For these reasons I am satisfied there are no grounds warranting the recall of my judgment. Ms Dunstan’s application for recall is declined.

Solicitors:
Glaister Ennor, Auckland for Appellant
Parry Field Lawyers, Christchurch for Respondent

² *Roberts v Cresswell* [2023] NZCA 36.