

**IN THE EMPLOYMENT COURT OF NEW ZEALAND
AUCKLAND**

**I TE KŌTI TAKE MAHI O AOTEAROA
TĀMAKI MAKĀURAU**

**[2020] NZEmpC 93
EMPC 49/2020**

IN THE MATTER OF	an application for leave to extend time to file a challenge to a determination of the Employment Relations Authority
AND IN THE MATTER OF	an application for costs
BETWEEN	IGOR GRIGOROVICH Applicant
AND	PRECISE LIMITED Respondent

Hearing: On the papers

Appearances: Applicant in person
SF Martin, counsel for defendant

Judgment: 1 July 2020

COSTS JUDGMENT OF CHIEF JUDGE CHRISTINA INGLIS

[1] Precise Limited (the company) has applied for costs against Mr Grigorovich following the Court's judgment declining leave to extend the time for filing a challenge to a determination of the Employment Relations Authority.¹

[2] The parties were encouraged to agree costs. That did not prove possible. Each party has filed submissions in support of their respective positions.

[3] The company seeks a contribution to its costs on the substantive application of \$3,915.78, plus \$750 by way of contribution to its costs in seeking costs. Mr Grigorovich says that he was legally aided and, pursuant to s 45(4) of the Legal

¹ *Grigorovich v Precise Ltd* [2020] NZEmpC 71.

Services Act 2011, no order for costs should be made against him unless and until the Court decides that exceptional circumstances exist.

[4] The difficulty with the primary point advanced in opposition to a costs order is that I am not satisfied that Mr Grigorovich was legally aided for the purposes of the application for leave to extend time, and he appeared on his own behalf throughout this particular aspect of the litigation he currently has on foot.

[5] Costs generally follow the event and there is no reason why they should not do so in this case. The company succeeded in opposing the application for leave and incurred legal costs in doing so. It is appropriate that it receive a contribution to those costs.

[6] The amount sought by the company is less than it would be entitled to applying the Court's Guideline Scale for costs.² I accept that a contribution of \$3,915.78 is appropriate having regard to the steps reasonably required to respond to the proceedings.³ I also accept that some allowance should be made to reflect the additional costs the company has been put to in seeking costs. In the circumstances, I consider that an award of \$350 is appropriate.

[7] This means that Mr Grigorovich is ordered to pay the company the total sum of \$4,265 (rounded down). That sum is to be paid in full within a period of 28 days of the date of this judgment.

Christina Inglis
Chief Judge

Judgment signed at 3.15 pm on 1 July 2020

² "Employment Court of New Zealand Practice Directions" <www.employmentcourt.govt.nz> at No 16.

³ The steps involved preparing and filing a notice of opposition; preparation for and attendance at a telephone directions conference; and the preparation and filing of legal submissions. The matter was dealt with on the papers.