

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

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

**[2023] NZEmpC 103
EMPC 25/2023
EMPC 111/2023**

IN THE MATTER OF challenges to determinations of the
Employment Relations Authority

AND IN THE MATTER OF applications to stay proceedings

AND IN THE MATTER OF an application for costs

BETWEEN CARRINGTON RESORT JADE LP
Plaintiff

AND PAULA KNIGHT
Defendant

Hearing: On the papers

Appearances: W Tan, agent for plaintiff
R Mark, counsel for defendant

Judgment: 5 July 2023

**COSTS JUDGMENT OF JUDGE K G SMITH
(An application for costs on stay proceedings)**

[1] On 6 June 2023, I dismissed applications by Carrington Resort Jade LP for a stay of proceedings. The judgment determined Ms Knight's entitlement to costs and the parties were invited to agree about them. If they could not agree, memoranda were invited.¹

¹ *Carrington Resort Jade LP v Knight* [2023] NZEmpC 83.

[2] The parties did not agree. On 15 June 2023 Mr Mark, counsel for Ms Knight, filed a brief memorandum seeking costs.

[3] A timetable had not been directed for an exchange of submissions. Given Mr Mark's succinct submissions, encompassing one page, a minute was issued providing an opportunity for Carrington to respond within a reasonably short timeframe. The minute was issued on 15 June 2023 and Carrington was provided with an opportunity to reply no later than 29 June 2023. Carrington has not provided any submissions.

[4] Ms Knight sought a costs order of \$3,824. That amount was based on applying category 2, band B to each of the steps taken, namely for filing a notice of opposition and preparing Ms Knight's submissions.²

[5] I am satisfied that category 2B is appropriate and that the steps taken by Ms Knight were reasonable.

Conclusion

[6] Carrington is ordered to pay Ms Knight costs of \$3,824.

K G Smith
Judge

Judgment signed at 12.15 pm on 5 July 2023

² "Employment Court of New Zealand Practice Directions" <www.employmentcourt.govt.nz> at No 18.