

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

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

**[2023] NZEmpC 120
EMPC 2/2023**

IN THE MATTER OF a challenge to a determination of the
 Employment Relations Authority

AND IN THE MATTER OF an application for stay of proceedings

AND IN THE MATTER OF an application for costs

BETWEEN CARRINGTON RESORT JADE LP
 Plaintiff

AND TONI MAHENO
 Defendant

Hearing: On the papers

Appearances: W Tan, agent for plaintiff
 A Kersjes, advocate for defendant

Judgment: 9 August 2023

**COSTS JUDGMENT OF JUDGE KATHRYN BECK
(Application for costs on application for stay of proceedings)**

[1] On 29 May 2023, I declined an application by Carrington Resort Jade LP (Carrington) for a stay of proceedings.¹ The interlocutory judgment determined Ms Maheno’s entitlement to costs, and the parties were invited to agree about them. If they could not agree, they were invited to file memoranda.

[2] The parties did not agree.

¹ *Carrington Resort Jade LP v Maheno* [2023] NZEmpC 78.

[3] On 19 June 2023, Mr Kersjes, Ms Maheno’s representative, filed a brief memorandum seeking costs of \$2,229. The company had 14 days to reply to the memorandum. Despite being prompted by the Court Registry, it has taken no steps.

[4] The amount sought by Ms Maheno is less than the amount that would be reached based on applying Category 2 Band B to each of the steps taken, namely filing a notice of opposition and affidavit, and preparing Ms Maheno’s submissions.²

[5] I am satisfied that the amount of \$2,229 is appropriate in the circumstances.

Conclusion

[6] Carrington is ordered to pay Ms Maheno costs of \$2,229 within seven days of the date of this judgment.

Kathryn Beck
Judge

Judgment signed at 9 am on 9 August 2023

² “Employment Court of New Zealand Practice Directions” <www.employment.govt.nz> at No 18.