

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

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

**[2023] NZEmpC 122
EMPC 40/2023
EMPC 82/2023**

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

AND IN THE MATTER OF a costs application on good faith report

AND IN THE MATTER OF a costs application on applications for stay of
proceedings

BETWEEN CARRINGTON RESORT JADE LP
Plaintiff

AND STACEY ROY
Defendant

Hearing: On the papers

Appearances: W Tan, agent for plaintiff
L Anderson, advocate for defendant

Judgment: 11 August 2023

**COSTS JUDGMENT OF JUDGE J C HOLDEN
(Application for costs on
good faith issues and applications for stay of proceedings)**

[1] This judgment deals with two applications for costs from Ms Roy: first, in respect of the good faith issue;¹ and second, in respect of Carrington Resort Jade LP's (Carrington) applications for a stay.²

¹ *Carrington Resort Jade LP v Roy* [2023] NZEmpC 88 (No 2).

² *Carrington Resort Jade LP v Roy* [2023] NZEmpC 81

[2] Ms Roy seeks costs of \$1,912 (being for 0.8 days' time at Category 2B) in respect of the good faith issue.

[3] She seeks \$4,541 for opposing the applications for a stay.³ This is calculated using the Employment Court Guideline Scale for Category 2B, with some adjustments:⁴

Date	Item	Event	Allocation (adjusted)	Sum, Daily Rate \$2,390
02-03/03/2023	29	Filing opposition to interlocutory application for a stay (substantive)	0.6	\$1,434
08-09/03/2023	29	Filing opposition to interlocutory application for a stay (costs)	0.3	\$717
02-03/03/2023		Respondent's preparation of affidavit	0.5	\$1,195
18/04/2023	30	Preparation of written submissions	0.5	\$1,195
		Total Days:	1.9	
			Total:	\$4,541

[4] Carrington has not filed any submissions in respect of these applications, despite the Court Registry following up with its agent, Mr Tan.

[5] The claims for costs are appropriate and are for less than Ms Roy's actual costs. Accordingly, Carrington is ordered to pay Ms Roy a total of \$6,453 for costs on these two matters. Payment is to be made within 28 days of the date of this judgment.

J C Holden
Judge

Judgment signed at 10.15 am on 11 August 2023

³ Separate applications were made with respect to the substantive and the costs determinations.

⁴ "Employment Court of New Zealand Practice Directions" <www.employmentcourt.govt.nz> at No 18.