

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

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

**[2023] NZEmpC 218
EMPC 25/2023
EMPC 111/2023**

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

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: 4 December 2023

COSTS JUDGMENT OF JUDGE K G SMITH

[1] On 14 November 2023, the plaintiff’s challenge to the objection to disclosure of certain documents and information relating to the defendant was dismissed.¹

[2] The judgment determined that the defendant was entitled to costs and timetabled an exchange of submissions. On 16 November 2023, the defendant sought costs on a Category 2B basis amounting to \$4,302.²

¹ *Carrington Resort Jade LP v Knight* [2023] NZEmpC 198.

² The amount claimed is less than the defendant’s actual costs.

[3] In response, Mr Tan accepted that Category 2B applies but four propositions were advanced that:

- (a) Carrington had applied in good faith and, even though it was ultimately unsuccessful, the issues raised in the application would still be alive at the substantive hearing so that costs should lie where they fall;
- (b) the costs claim exceeded Category 2B; and
- (c) there was no justification for “requesting an increase in costs” for a straightforward application.

[4] Category 2B was provisionally allocated to this proceeding during a conference.³ I agree that for this application Category 2B is appropriate.

[5] There is no basis on which costs should lie where they fall. The judgment ordered costs in favour of Ms Knight, and nothing advanced by Mr Tan changes that decision.

[6] The application for costs claimed for steps which are at 24, 29 and 30 in the Guideline namely for providing a notice of objection to disclosure, filing a notice of opposition to Carrington’s interlocutory application, and providing written submissions. Each step claimed corresponds to the allocation of time in the Guideline. At 1.8 days, with a daily rate of \$2,390, the claim correctly comes to \$4,302.

[7] From this analysis it follows that the amount claimed does not exceed 2B and there was no request for increased costs.

[8] The plaintiff is ordered to pay the defendant costs of \$4,302.

K G Smith
Judge

Judgment signed at 12.10 pm on 4 December 2023

³ *Carrington Resort Jade LP v Knight* EmpC Auckland EMPC 25/2023, 21 July 2023 at [15].