

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

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

**[2023] NZEmpC 97  
EMPC 105/2022**

IN THE MATTER OF	a challenge to a determination of the Employment Relations Authority
AND IN THE MATTER OF	an application for costs
BETWEEN	WILSON-GRANGE INVESTMENTS TRADING AS THE GRANGE BAR AND RESTAURANT Plaintiff
AND	RICHARD GUERRA Defendant

Hearing: On the papers

Appearances: JD Turner, counsel for plaintiff  
S Greening and K Hudson, counsel for defendant

Judgment: 22 June 2023

---

**COSTS JUDGMENT OF CHIEF JUDGE CHRISTINA INGLIS**

---

[1] This judgment deals with an application for costs following the Court's judgment of 14 March 2023, dismissing the plaintiff's challenge against a determination of the Employment Relations Authority.<sup>1</sup>

[2] These proceedings were assigned a costs categorisation of 2B at the initial directions conference, following discussion with the parties. That remains the appropriate categorisation. The defendant seeks a contribution to costs of \$23,422.00

---

<sup>1</sup> *Wilson-Grange Investments t/a The Grange Bar and Restaurant v Guerra* [2023] NZEmpC 39.

(\$3,824.00 on an interlocutory application for a stay; \$19,598.00 for the substantive challenge). The defendant has not provided a schedule explaining how this sum was calculated. However, having reviewed the steps reasonably taken in these proceedings as against the Court's guideline scale, I accept that the claimed costs reflect a fair contribution to the defendant's costs in defending the plaintiff's challenge, and I did not understand the plaintiff to contend otherwise.<sup>2</sup>

[3] The plaintiff is accordingly ordered to pay the defendant, within 14 days of the date of this judgment, the sum of \$23,422.00.

Christina Inglis  
Chief Judge

Judgment signed at 8.30 am on 22 June 2023

---

<sup>2</sup> "Employment Court of New Zealand Practice Directions" <[www.employmentcourt.govt.nz](http://www.employmentcourt.govt.nz)> at No 18.