

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

**I TE KŌTI TAKE MAHI O AOTEAROA
TE WHANGANUI-A-TARA**

**[2025] NZEmpC 58
EMPC 72/2024**

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

AND IN THE MATTER OF an application for costs

BETWEEN VERY NICE PRODUCTIONS LIMITED
 Plaintiff

AND GEORGIE ORMOND
 Defendant

Hearing: On the papers

Appearances: M Thomas, representative for plaintiff
 A Mapu, advocate for defendant

Judgment: 26 March 2025

COSTS JUDGMENT OF JUDGE M S KING

[1] This judgment resolves an application for costs following the plaintiff discontinuing its challenge in these proceedings. A plaintiff who discontinues a proceeding against a defendant must usually pay costs to the defendant of, and incidental to, the proceeding up to and including discontinuance.¹

[2] The defendant seeks scale costs of \$6,519, which includes a contribution for costs in relation to the defendant's successful application for security for costs.² The defendant's costs are calculated on a category 1 band B basis, with 4.1 days of scale

¹ High Court Rules 2016, r 15.23.

² *Very Nice Productions Ltd v Ormond* [2024] NZEmpC 220.

costs being sought.³ The defendant also seeks costs on costs of an amount considered reasonable by the Court.

[3] The plaintiff does not oppose the costs proposed and merely notes that the plaintiff company is impecunious; however, it opposes any order of costs on costs as it submits that the defendant has acted unreasonably.

[4] I accept that the scale costs sought by the defendant are reasonable and order accordingly. The parties were unable to agree costs but disagree on why agreement was not possible. It is, however, clear that the defendant made a reasonable and generous offer to settle the issue of costs, and in those circumstances, I consider that it is appropriate to grant \$500 as a contribution to the defendant's costs in obtaining this costs award.

[5] I order Very Nice Productions Ltd to pay Georgie Ormond \$7,019 as a contribution to her costs within 21 days of the date of this judgment.

M S King
Judge

Judgment signed at 9.30 am on 26 March 2025

³ "Employment Court of New Zealand Practice Directions" <www.employmentcourt.govt.nz> at No 18.