



# Employment Court of New Zealand

You are here: [NZLII](#) >> [Databases](#) >> [Employment Court of New Zealand](#) >> [2019](#) >> [\[2019\] NZEmpC 96](#)

[Database Search](#) | [Name Search](#) | [Recent Decisions](#) | [Noteup](#) | [LawCite](#) | [Download](#) | [Help](#)

## Boyd v Blanchard [2019] NZEmpC 96 (9 August 2019)

Last Updated: 15 August 2019

IN THE EMPLOYMENT COURT OF NEW ZEALAND CHRISTCHURCH

I TE KŌTI TAKE MAHI O AOTEAROA ŌTAUTAHI

[\[2019\] NZEmpC 96](#)

EMPC 94/2019

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

AND IN THE MATTER OF an application for costs  
BETWEEN MURRAY BOYD  
Plaintiff

AND HELEN BLANCHARD  
Defendant

**EMPC 109/2019**

IN THE MATTER OF an application for leave to extend time  
to file a challenge

AND IN THE MATTER OF an application for costs  
BETWEEN HELEN BLANCHARD  
Plaintiff

AND MURRAY BOYD  
Defendant

Hearing: On the papers

Appearances: M Hardy-Jones, counsel for Murray  
Boyd D Beck, counsel for Helen  
Blanchard

Judgment: 9 August 2019

### COSTS JUDGMENT OF CHIEF JUDGE CHRISTINA INGLIS

[1] The matter now before the Court is an application for costs. It arises against the following backdrop. Ms Blanchard pursued a grievance in the Employment Relations Authority. She succeeded in part and was awarded remedies. Mr Boyd filed

MURRAY BOYD v HELEN BLANCHARD [\[2019\] NZEmpC 96](#) [9 August 2019]

a challenge to that determination. Ms Blanchard then sought to challenge aspects of the Authority's determination but was outside the statutory timeframe for doing so. She accordingly filed an application for leave to extend time. No opposition was filed to that application. A telephone conference was scheduled to progress matters but was vacated when both parties filed notices of discontinuance.

[2] The parties have been unable to agree costs. Ms Blanchard seeks a contribution to costs in the sum of \$3,846.75 on Mr Boyd's discontinued challenge. Mr Boyd says that costs should lie where they fall or, alternatively, Ms Blanchard should be

required to make a contribution (unspecified) to his costs on her discontinued application to extend time.

[3] I accept that Ms Blanchard incurred costs in responding to Mr Boyd's challenge up to the date of discontinuance. I do not understand any issue to be taken with the quantum identified in the memorandum filed by counsel for Ms Blanchard. Rather, it is argued that a quid pro quo approach should be adopted in the circumstances. I disagree. There is nothing before the Court to suggest that costs were incurred in responding to Ms Blanchard's application for leave to extend time – no notice of opposition was filed and the telephone conference which was scheduled was vacated three days beforehand.

[4] In the circumstances, I am satisfied that Ms Blanchard should receive a contribution to her costs consequent on the discontinuance of the plaintiff's challenge. The amount of that contribution is set at \$3,846.75. That amount is to be paid within a period of 21 days from the date of this judgment. No costs are awarded in Mr Boyd's favour following the discontinuance filed on Ms Blanchard's behalf because I am not satisfied that any costs were incurred.

Christina Inglis Chief Judge

Judgment signed at 3.30 pm on 9 August 2019

---

NZLII: [Copyright Policy](#) | [Disclaimers](#) | [Privacy Policy](#) | [Feedback](#)

URL: <http://www.nzlii.org/nz/cases/NZEmpC/2019/96.html>