

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH**

CA 73A/10
5161802

BETWEEN

GARY PARKER
Applicant

A N D

ALLIANCE GROUP LIMITED
Respondent

Member of Authority: Paul Montgomery

Representatives: Kellie Walker, Counsel for Applicant
Ken Smith, Counsel for Respondent

Submissions Received: 30 April 2010 for Respondent
None filed for applicant

Determination: 11 May 2010

COSTS DETERMINATION OF THE AUTHORITY

[1] In a determination of the substantive issues the Authority dismissed the applicant's claims in their entirety and invited counsel to attempt to resolve costs. They have made that effort however, Ms Walker has had no response to her correspondence with the applicant and has advised the Authority she no longer has instructions.

[2] For the respondent Mr Smith applied for leave to file his memorandum beyond the 14 day limit set in the determination due to the difficulties Ms Walker was having with her client. That leave is granted.

[3] Mr Smith submits the amount of costs has to be realistic to adequately recompense for the time and effort necessary to properly prepare and present its case. Further, counsel points to the extent of disputed evidence requiring detailed submissions which were moderately time consuming.

[4] Mr Smith submits an award for hearing time should be of the order of \$1,000. Preparation time he evaluates to be of the same order and disbursements totalled \$250.00. Counsel says there is no claim for the loss of management time and wages for witnesses employed by the respondent and who appeared at the hearing.

[5] Mr Smith seeks a contribution to its reasonably incurred costs in the sum of \$1,500.00. Actual costs borne by the respondent were \$2,250.00.

[6] It is clear Mr Parker remains on a sickness benefit and hence is of very modest means. Given his determination to pursue his case Mr Parker needs to appreciate poorly based litigation has consequences regardless of his genuine hope of success.

[7] Having considered the issues affecting costs, I believe it is just to meet the respondent's claim of \$1,500.00.

[8] I order the applicant to pay the respondent the sum of \$1,500.00 by agreed weekly instalments if that can be arranged. In the event such an arrangement cannot be agreed, the lump sum of \$1,500.00 is due and payable on the issue of this determination.

Paul Montgomery
Member of the Employment Relations Authority