

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

AA 125A/09
5120566

BETWEEN HEIKE SAGE
 Applicant

AND I REDELMAN & SON (NZ)
 PTY LIMITED
 Respondent

Member of Authority: Yvonne Oldfield

Representatives: Chris Eggleston for Applicant
 Mukesh Parshottam for Respondent

Submissions received: 22 May from Applicant , 13 July from Respondent

Determination: 27 July 2009

COSTS DETERMINATION OF THE AUTHORITY

[1] In a determination dated 20 April 2009 I concluded that Ms Sage had been unjustifiably dismissed and ordered the respondent to pay to her \$9,472.54 gross reimbursement of lost earnings and \$8,000.00 compensation for hurt and humiliation. Costs were reserved. Mr Eggleston now requests that the Authority make an order for costs.

[2] In his submission Mr Eggleston disclosed that Ms Sage had incurred costs in excess of \$10,000.00 and sought a contribution of \$7,000.00 plus \$70.00 filing fee. He acknowledged that the investigation meeting took a day with further information and submissions following, and that the usual "tariff" for a day was approximately \$3,000.00 plus disbursements. However he also brought it to the Authority's attention that prior to the investigation meeting the applicant had offered to settle all matters for less than she was eventually awarded.

[3] In his covering letter he confirmed that a copy had been served on the respondent and went on to say that he understood that following the release of the

Authority's determination in the matter, the respondent had "*closed its Auckland office and ceased operations in New Zealand. It has also failed to respond to the applicant's attempts to resolve the question of costs.*"

[4] Having heard nothing from the respondent, the Authority also copied these submissions to Ms Neville solicitor of record for the respondent. However she advised that she no longer had instructions to act. The application and submissions were then served on Oswin Griffiths DFK Limited, which was identified on the Companies Register as being authorised to accept service in New Zealand.

[5] Mr M. Parshottam of that firm responded by letter which read in its entirety as follows:

1. *"The business has ceased trading.*
2. *Our firm will prepare the final financial statements once the information is available.*
3. *At this point in time it seems the liabilities exceed the assets."*

[6] In the circumstances, it would appear nothing more can be expected from the respondent by way of response to the costs application. I now proceed to determine costs.

Determination

[7] This matter was not unduly complex although the lodging of additional information after the investigation did give rise to additional costs for the parties. Being mindful of that I consider it appropriate to award a contribution to costs somewhat above the usual "tariff" for a one day investigation.

[8] **I order the respondent to pay to the applicant the sum of \$4,500.00 as contribution to her costs, plus the \$70.00 filing fee.**

Yvonne Oldfield

Member of the Employment Relations Authority

