



# Employment Court of New Zealand

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## Sub 5 Private Security Limited v Gomez [2012] NZEmpC 182 (16 October 2012)

Last Updated: 25 October 2012

### IN THE EMPLOYMENT COURT CHRISTCHURCH

#### [\[2012\] NZEmpC 182](#)

CRC 21/12

IN THE MATTER OF a challenge to a determination of the

Employment Relations Authority

BETWEEN SUB 5 PRIVATE SECURITY LIMITED Plaintiff

AND ROBERT GOMEZ Defendant

Hearing: Memorandum received 16 October 2012

Judgment: 16 October 2012

### COSTS JUDGMENT OF JUDGE A A COUCH

[1] In my judgment yesterday<sup>[1]</sup>, I dismissed the plaintiff's challenge for want of prosecution and invited Mrs Burness to file a memorandum as costs. She has done so today.

[2] The memorandum is brief and to the point. Mrs Burness says that the defendant has incurred costs of representation based on 7 hours' work charged at \$87 per hour inclusive of GST. She also says he has incurred disbursements of \$100.

[3] Mrs Burness then goes on to say "The defendant requests that the costs be 2/3 of the amount contribution for the following amount of \$709.00 as calculated above." I understand this to be a submission that the defendant ought to be awarded costs equivalent to two thirds of \$709, which would be approximately \$473.

[4] Although the figures provided by Mrs Burness are not supported by documentation or explanation, I am well aware of the work required to respond to

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the plaintiff's challenge and prepare the defendant's case for hearing. I accept without further elaboration that costs and disbursements of \$709 were actually and reasonably incurred by the defendant. Compared to the costs incurred by many litigants in similar circumstances, the amount is extremely modest.

[5] As the plaintiff has effectively abandoned the proceeding without explanation, the defendant has been put to that cost unnecessarily and without justification. In my view, the defendant ought to be fully reimbursed. The plaintiff is ordered to pay the defendant \$709.00 for costs and disbursements.

A A Couch  
Judge

Signed at 4.00pm on 16 October 2012.

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