

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH OFFICE**

BETWEEN Julie Joy Warner & Vaughn Albert Warner (Applicant)

AND Judy & Paul Clark (Respondent)

REPRESENTATIVES Julie Warner In person
Kasey Templer, Counsel for Respondent

MEMBER OF AUTHORITY Philip Cheyne

INVESTIGATION MEETING 20 April 2005

DATE OF DETERMINATION 2 September 2005

DETERMINATION OF THE AUTHORITY

[1] In a determination dated 23 May 2005, I found against all the claims being made by Mr & Mrs Warner against their employers except that I upheld an unjustified personal grievance claim by Mrs Warner in relation to a brief period of suspension on pay from her employment. Compensation of \$1,000.00 was ordered and costs were reserved.

[2] In the original determination, I indicated that the outcome of the case might realistically be seen as a victory for the employers who successfully defended themselves against large, ill defined and completely unmeritorious claims by Mr Warner. The respondents then lodged a memorandum setting out a claim for costs and sent a copy to the applicants' last known address. However, there has been no response or further contact from the applicants. They have nonetheless had an opportunity to provide any submissions on costs in response to the indication given in the original determination. Accordingly, this determination resolves the question of costs.

[3] The respondents say that their legal costs are \$3,625.42 (including GST) up to mediation and a further \$8,987.20 (including GST) to the conclusion of the one day investigation meeting. They seek an order of \$3,000.00 against the applicants as a contribution to these costs. It is not necessary to canvass the points made in support as I consider the claim is perfectly reasonable in the light of this case and the approach usually taken by the Authority when determining costs. Accordingly, I order Mr & Mrs Warner to pay costs of \$3,000.00 to the applicants.

[4] This determination is to be served on Mr & Mrs Warner by the Employment Relations Authority.

Philip Cheyne
Member of Employment Relations Authority