

**IN THE HIGH COURT OF NEW ZEALAND
AUCKLAND REGISTRY**

CIV 2008-404-003937

BETWEEN HANOVER FINANCE LIMITED
Plaintiff

AND PAUL WAYNE BURTON
First Defendant

AND PAUL WAYNE BURTON AND ROBERT
JOHN BURTON AS TRUSTEES OF THE
BURTON FAMILY TRUST
Second Defendants

Hearing: 22 December 2008
(on the papers)

Counsel: LA O'Gorman for plaintiff

Judgment: 22 December 2008 at 15:00

**JUDGMENT OF ASSOCIATE JUDGE FAIRE
[on costs]**

Solicitors: Bell Gully, PO Box 1433, Auckland for plaintiff

[1] On 9 October 2008 I entered summary judgment against the first and second defendants. I reserved costs.

[2] The loan agreement which is a document on which the claim and judgment is based in this proceeding makes provision for the plaintiff to recover on an indemnity basis in respect of any costs, including legal expenses on a solicitor/client basis, incurred in relation to the matter.

[3] An affidavit, which sets out the basis for the calculation of solicitor/client costs has been filed.

[4] I have sought clarification as to the GST position of the plaintiff and that has been provided to me and has been taken into account in the order for costs that I shall make. In addition, I have made an assessment of the costs having regard to the principles which I have summarised in my judgment *Crown Money Corporation Ltd v Grasmere Estate Trustco Ltd & Anor* HC AK CIV 2008-404-3801 21 November 2008.

[5] I enter judgment for costs against the defendants in favour of the plaintiff in the sum of \$8,359.39 (that sum excludes GST) together with disbursements as fixed by the Registrar.

JA Faire
Associate Judge