

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

CIV-2009-488-000501

CIV-2009-488-000502

BETWEEN REGINA CRAIG AND WILLIE
MORTON
Appellants

AND GLENN RAYMOND HANNAH
Respondent

Hearing: 30 September 2009
(On the Papers)
(Heard at Auckland)

Appearances: Ms G Robinson-Wiki and W Morton Self-Represented
D J Blaikie for the Respondent

Judgment: 30 September 2009

**JUDGMENT OF DUFFY J
[Re Costs]**

This judgment was delivered by Justice Duffy
on 30 September 2009 at 3.00 pm, pursuant to
r 11.5 of the High Court Rules

Registrar/Deputy Registrar
Date:

To: R Craig and W Morton (Appellants) P O Box 458 Kaikohe 0440

Solicitor: D J Blaikie P O Box 382 Kaikohe 0440 for the Respondent

[1] The respondent, who was successful in the appeal, now seeks costs. For the appeal itself, the respondent seeks costs at scale 2B of the High Court Rules. In addition, the respondent seeks costs for an earlier hearing (the appeal against the District Court's refusal to grant a stay of execution of its judgment) in which he was successful before Priestley J. At that hearing, Priestley J said that costs should be rolled into the costs of the substantive appeal. The Judge indicated that he considered \$750 to be an appropriate sum.

[2] The general principle is that costs follow the event and are awarded to the successful party (r 14.2 of the High Court Rules). There is nothing about this appeal which suggests to me that there should be a departure from that general principle. Accordingly, I find that the respondent is entitled to an award of costs.

[3] The quantum of costs the respondent seeks for the substantive appeal is reasonable. I also consider the indication given by Priestley J of the quantum of the costs arising from the earlier hearing to be an appropriate amount to award.

[4] The respondent also seeks disbursements. The disbursements sought are reasonable and, in the circumstances, he is entitled to them.

[5] I am satisfied that the schedule of costs and disbursements set out in the respondent's memorandum seeking costs is accurate, and costs should be awarded on that basis. There is nothing which the appellants have drawn to my attention that could cause me to conclude otherwise. It follows that the respondent is entitled to costs and disbursements as set out in the respondent's schedule of costs and disbursements, the total amount being the sum of \$2,732.80.

Duffy J