

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

**CIV-2015-485-484
[2016] NZHC 379**

UNDER the Defamation Act 1992

BETWEEN KAREN FRANCES ARNOLD
Plaintiff

AND FAIRFAX NEW ZEALAND LIMITED
First Defendant

TIMOTHY RICHARD SHADBOLT
Second Defendant

On the papers

Counsel: P A McKnight and A J Romanos for Plaintiff
R K P Stewart and R G Cahn for First Defendant
F E Geiringer for Second Defendant

Judgment: 8 March 2016

JUDGMENT OF CLIFFORD J (COSTS)

[1] It is not unusual for a variety of orders to be sought in an interlocutory application. The fact that some only of those orders may be sought as against all parties, and others as regards one or some only of those parties, does not in my view mean that there is more than one application to be considered from a costs perspective. On that basis:

- (a) I accept Mr Geiringer's memorandum filed on 6 March 2016;
- (b) I do not accept the analysis that the second defendant responded to two separate applications;

(c) I consider that a 25 per cent discount over-states Ms Arnold's limited success;

(d) I consider that a 12.5 per cent reduction reflects that limited success.

[2] I therefore determine:

(a) that the plaintiff will pay costs of \$5,908.00 to the first defendant in respect of the plaintiff's interlocutory application heard on 2 February 2016; and

(b) that the plaintiff will pay costs of \$5,167.50 to the second defendant.

[3] High Court Rule 14.8 is clear. Costs on interlocutory applications must be fixed in accordance with the Rules when the application is determined and become payable when they are fixed, in the absence of "special reasons to the contrary". No such special reasons have been advanced. The rule will therefore apply on its terms. I do not understand that the concepts of "costs in any event" and "costs in the proceedings" feature in this Court's Rules.

"Clifford J"

Solicitors:
Langford Law, Wellington for Plaintiff
Izard Weston, Wellington for First Defendant
Preston Russell Law, Invercargill for Second Defendant