

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

CIV 2005-404-1808

BETWEEN	FERRIER HODGSON
	First Plaintiff
AND	MICHAEL PETER STIASSNY
	Second Plaintiff
AND	VINCENT ROSS SIEMER
	First Defendant
AND	PARAGON SERVICES LIMITED
	Second Defendant
AND	OGGI ADVERTISING LIMITED
	Third Defendant

Judgment: 2 June 2006

FURTHER JUDGMENT OF POTTER J
On costs

This judgment was delivered by Justice Potter on 2 June 2006 at 11.30 a.m, pursuant to Rule 540(4) of the High Court Rules.

Registrar/Deputy Registrar
Date

Solicitors: McElroys, P.O. Box 835, Auckland
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V R Siemer, Paragon Oil Systems, P.O. Box 335, Silverdale,
Auckland

Costs

[1] I have considered the memoranda on costs filed by the plaintiffs dated 23 March 2006 and 12 May 2006 (in response to my ruling of 10 May 2006) together with their email of 31 May 2006 in response to my email of the previous day. I have also considered the defendants' memorandum dated 27 March 2006, referred to in [5] of my ruling of 10 May 2006.

[2] I have received advice from counsel for the plaintiffs that the bills of cost of which copies are annexed to their memorandum of 23 March 2006, have been paid in full by the plaintiffs.

[3] I find the costs as claimed amounting to \$180,182.78 plus disbursements totalling \$3,386.00 to be proper and reasonable costs on a solicitor and client basis and I fix those amounts as the costs and disbursements to be paid by the defendants pursuant to [170] f) of the judgment.

[4] In terms of the judgment these costs are to be paid by the defendants within 30 days of the date of determination, being the date of this further judgment.

Defendants' memorandum of 29 May 2006

[5] A memorandum filed by the defendants by facsimile on 29 May 2006 states:

... appeal for review of the ruling of Potter J dated 10 May 2006".

I assume that the word "appeal" is intended to read "apply".

[6] The defendants are entitled to exercise their rights of appeal in relation to the judgment dated 16 March 2006 and this further judgment which fixes costs pursuant to the 16 March 2006 judgment. There is no right of "review".

[7] For the sake of completeness I record that on 10 May 2006 I declined to order a stay of the judgment of 16 March 2006. I am advised that the defendants have not

paid the fine ordered by that judgment and are therefore in breach of the order made by this Court imposing a fine of \$15,000 to be paid within 30 days of the date of the judgment to the Registrar of the High Court at Auckland.