

**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

Judgment: 31 August 2007

**JUDGMENT OF POTTER J
as to costs**

In accordance with r 540(4) High Court Rules
I direct the Registrar to endorse this judgment
with a delivery time of 3 p.m. on 31 August 2007.

Solicitors: McElroys, P.O. Box 835, Auckland
D Gates, P.O. Box 222, Whangaparaoa, Auckland

Copy to: J G Miles QC, P.O. Box 4338, Auckland
V R Siemer, 27 Clansman Terrace, Gulf Harbour, Auckland

[1] In my judgment of 9 July 2007 which made orders granting leave to the plaintiffs to issue a writ of arrest and debarring Mr Siemer from defending the proceeding until further order of the Court, I ordered that Mr Siemer is to pay the plaintiffs' costs on the application for committal and associated orders on a solicitor-and-client basis.

[2] I ordered that costs were to become payable by Mr Siemer to the plaintiffs within 30 days of costs being fixed.

[3] The plaintiffs have filed memoranda as to costs dated 20 July 2007, 30 July 2007 and 1 August 2007.

[4] The extended date by which Mr Siemer was required to file in reply was 27 August 2007. Mr Siemer has not filed in reply to issues of costs. At [71] of the judgment of 9 July 2007 I stated that if the defendant failed to file a memorandum in accordance with the timetable I would proceed to determine costs on a solicitor-and-client basis in the absence of such a memorandum.

[5] The memorandum of 20 July 2007 details the substantive work undertaken and attaches the relevant bills of costs rendered by McElroys to Ferrier Hodgson on 30 April 2007, 30 June 2007 and 16 July 2007. These costs and disbursements total \$28,604.78.

[6] The second supplementary memorandum, filed at my direction, details the time spent and the hourly rates charged in respect of the authors to which McElroys above bills of costs relate.

[7] The third memorandum details the costs of Julian Miles QC and attaches the relevant bills of cost rendered by Mr Miles to McElroys. The total is \$23,186.25.

[8] The total costs and disbursements sought to be recovered are therefore \$51,791.03.

[9] I have considered the claim for costs and the evidence provided in support of it by the plaintiffs. I note the absence of any submission by Mr Siemer. I find the costs and disbursements as claimed amounting to \$51,791.03 to be proper and reasonable costs on a solicitor-and-client basis pursuant to the judgment of 9 July 2007.

[10] I award costs and disbursements against the first defendant on a solicitor-and-client basis of \$51,791.03. These costs are payable within 30 days of this judgment.