

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

**I TE KŌTI MATUA O AOTEAROA
TĀMAKI MAKĀURAU ROHE**

**CIV-2016-404-1312
[2021] NZHC 762**

UNDER The Defamation Act 1992

BETWEEN JOHN DOUGLAS SELLMAN
First Plaintiff

BOYD ANTHONY SWINBURN
Second Plaintiff

SHANE KAWENATA FREDERICK
BRADBROOK
Third Plaintiff

AND CAMERON SLATER
First Defendant

On the papers: D Salmon and J Cundy for the Plaintiffs
No appearance by or for the First Defendant

Judgment: 12 April 2021

**JUDGMENT OF WALKER J
[As to costs]**

*This judgment was delivered by me on 12 April 2021 at 4.30 pm
Pursuant to Rule 11.5 High Court Rules*

Registrar/Deputy Registrar

CARRICK DOUGLAS MONTROSE
GRAHAM
Second Defendant

FACILITATE COMMUNICATIONS
LIMITED
Third Defendant

KATHERINE RICH
Fourth Defendant *(Discontinued)*

NEW ZEALAND FOOD AND
GROCERY COUNCIL INC
Fifth Defendant *(Discontinued)*

[1] This judgment deals with the quantum of a costs order against the first defendant, Cameron Slater.

[2] The plaintiffs seek costs of \$60,411 on a 2B basis following the entry of judgment for declaratory relief and costs against Mr Slater. Judgment was entered on the basis of Mr Slater's consent to judgment. The plaintiffs did not seek an uplift for increased or indemnity costs in view of the fact that Mr Slater has been adjudicated bankrupt.

[3] The plaintiffs' case in defamation was that the defendants were jointly and severally liable for the publications sued on. The claims against all other defendants were settled on confidential terms at various stages of the proceeding. The claims were discontinued.

[4] A question arises as to the incidence of costs because costs liability of multiple defendants is joint and several. I sought assistance from the plaintiffs to ensure that the costs sought against Mr Slater were not duplicative. This might be the case if other defendants had contributed to costs for those steps in the proceeding which the plaintiffs seek costs for.

[5] Mr Salmon and Mr Cundy have now satisfied me that none of the other defendants have paid or agreed to pay costs that are now claimed against Mr Slater.

[6] Accordingly, I make an order for costs and disbursements against Mr Slater of \$60,411.

Other

[7] I direct that the settlement agreement between the plaintiffs and fourth and fifth defendants attached to the memorandum dated 30 March 2021 (or in the common bundle filed with the Court) is to be sealed on the Court file and not to be searched without leave of the Court.

[8] The plaintiffs sought orders suppressing particular details of the settlement with the fourth and fifth defendant. In view of the ancillary order above restricting access to this material on the court file and the confidentiality provisions in the settlement agreement, a suppression order should not be necessary.

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Walker J