

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

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

**CIV 2017-404-3091
[2022] NZHC 865**

UNDER	The Defamation Act 1992
BETWEEN	KRISTIN PIA CATO Plaintiff
AND	MANAIA MEDIA LIMITED First Defendant
	ROWAN DIXON Second Defendant
	JANE THOMPSON Third Defendant

On the papers

Counsel: E D Nilsson for the plaintiff
S A McKenna for the defendants

Judgment: 28 April 2022

COSTS JUDGMENT OF CAMPBELL J

*This judgment was delivered by me on 28 April 2022 at 4:00 pm pursuant to Rule 11.5
of the High Court Rules*

Registrar/Deputy Registrar

[1] The parties have been unable to agree costs following my judgment dated 31 March 2022.

[2] The dispute is narrow: what is the appropriate time allowance for the plaintiff's preparation of written submissions for the one-hour hearing of the defendants' admissibility challenge? The plaintiff proposes a band B allowance of 1.5 days (using step 24 of Schedule 3 to the High Court Rules 2016). The defendants propose a band A allowance of 0.5 days, submitting that I had set a four-page limit on submissions rather than the ordinary ten-page limit.

[3] I agree with and accept the defendants' position. Rule 14.5 provides that band A should apply if "a comparatively small amount of time is considered reasonable" for a step. The defendants' admissibility challenge raised much the same issues as had been traversed in an earlier admissibility challenge. It was for that reason that I set a four-page limit on written submissions and allocated only a one-hour hearing. As compared to most interlocutory applications, I consider a small amount of time was reasonable for preparation of the plaintiff's written submissions.

[4] By my calculations, this means that the plaintiff is entitled to costs in the sum of \$2,748.50.¹ It is common ground that costs should be awarded only against the first and third defendants, given the second defendant's grant of legal aid. Accordingly, I award costs of \$2,748.50 against the first and third defendants in favour of the plaintiff.

Campbell J

¹ The defendants' memorandum calculated costs as \$2,967.78, but I could not understand the basis for that calculation.