

IN THE COURT OF APPEAL OF NEW ZEALAND

I TE KŌTI PĪRA O AOTEAROA

**CA694/2024
[2025] NZCA 25**

BETWEEN SANDY ZHUJUN DAI
Appellant
AND KHIENG CHIV
Respondent

Counsel: Appellant in person
Respondent in person

Judgment: 24 February 2025 at 4 pm
(On the papers)

**JUDGMENT OF PALMER J
(Review of Deputy Registrar's Decision)**

The application for review of the Deputy Registrar's decision is declined.

REASONS

[1] Ms Sandy Dai appeals a High Court judgment finding that that she defamed Mr Khieng Chiv and ordering her to pay \$50,000 in damages.¹ Security for costs was set at \$7,060, the standard rate when a party is legally represented.² Ms Dai requested that security for costs be reduced because Mr Chiv is not legally represented. On 28 November 2024, the Deputy Registrar reduced security for costs to \$1,000, the standard rate, now, when a party is acting in person.³

¹ *Chiv v Dai* [2024] NZHC 2825 at [107]–[108].

² Court of Appeal (Civil) Rules 2005, r 35(5).

³ Rule 35(5).

Submissions

[2] Ms Dai seeks a review of the Deputy Registrar's decision for various reasons associated with her allegations about Mr Chiv's behaviour. It appears she submits that he is unlikely to be successful. This appears to be a continuation of her unsuccessful strategy in the High Court. She also referred to the costs award in the High Court. The High Court awarded Mr Chiv indemnity costs of \$36,455 and disbursements of \$6,275.16 against her in respect of those steps in the proceeding undertaken by counsel.⁴ Costs were not then available for steps taken as a self-represented party.⁵

Review

[3] The Deputy Registrar did not err in setting security for costs at the standard rate for a party acting in person. Mr Chiv should have the benefit of the modest protection it offers in the event that he succeeds in defending the appeal. Ms Dai's reasons for seeking a reduction do not align with the relevant criteria and discussion in *Reekie v Attorney-General* as to when security for costs will be reduced, such as where the appellant is impecunious.⁶

[4] The application for review of the Deputy Registrar's decision is declined.

⁴ *Chiv v Dai* [2024] NZHC 3853 at [20] and [25].

⁵ High Court Rules 2016, sch 1AA cl (3)(1)(a).

⁶ Court of Appeal (Civil) Rules, r 35(6)(b); and *Reekie v Attorney-General* [2014] NZSC 63, [2014] 1 NZLR 737 at [44].