

**IN THE EMPLOYMENT COURT OF NEW ZEALAND  
AUCKLAND**

**I TE KŌTI TAKE MAHI O AOTEAROA  
TĀMAKI MAKĀURAU**

**[2025] NZEmpC 107  
EMPC 306/2024**

IN THE MATTER OF a challenge to a determination of the  
Employment Relations Authority

AND IN THE MATTER OF an application for costs

BETWEEN LEVI KEVIN MENZIES  
Plaintiff

AND NATHAN PATRICK CORRIGAN  
First Defendant

AND PRIME FOCUS SECURITY LIMITED (IN  
LIQUIDATION)  
Second Defendant

Hearing: On the papers

Appearances: L Anderson, advocate for plaintiff  
First defendant in person  
No appearance for second defendant

Judgment: 28 May 2025

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**COSTS JUDGMENT OF JUDGE KATHRYN BECK**

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[1] This judgment resolves an application for costs following discontinuance of the proceedings by the plaintiff.

[2] The defendant seeks scale costs on a category 2 band B basis.<sup>1</sup> He seeks a 50 per cent uplift from scale costs because of the way the proceedings were conducted. He also seeks a 15 per cent uplift for GST as he is not GST registered.

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<sup>1</sup> Employment Court of New Zealand “Practice Directions” (1 September 2024).  
<[www.employmentcourt.govt.nz](http://www.employmentcourt.govt.nz)> at No 18.

[3] Where a plaintiff discontinues a proceeding against a defendant, they must pay costs to the defendant of and incidental to the proceeding up to and including the discontinuance.<sup>2</sup> The defendant has provided evidence of the costs he has incurred in these proceedings. Therefore, I accept that he is entitled to an award of costs.

[4] The defendant has provided a table of his scale costs calculated on a category 2 band B basis. Overall, I consider that the claimed scale costs are reasonable. The plaintiff submitted that it was unreasonable for the defendant to claim 0.6 days' costs in respect of the amended notice of opposition to the amended stay application. However, I note that only 1.2 days' costs are sought in relation to defending the stay application. Given that the original notice of opposition was extensive and akin to submissions, I consider that the items sought by the defendant are reasonable in the circumstances. The plaintiff did not otherwise object to the defendant's calculations of scale costs. Accordingly, I find that the defendant is entitled to scale costs of \$10,277 prior to any uplift.

[5] The defendant seeks an uplift because of the way the plaintiff and his advocate, Lawrence Anderson, conducted themselves in bringing proceedings. The Court has power to order an uplift of scale costs where a party has conducted themselves in a manner tending to increase costs.<sup>3</sup>

[6] In a previous judgment related to these proceedings, I made the following observation concerning Mr Anderson:<sup>4</sup>

Material filed in these proceedings indicates that Mr Anderson has engaged in an unprofessional and abusive manner towards Mr Corrigan's former counsel. Mr Anderson has previously been warned that such conduct is not tolerated by the Court.<sup>5</sup> I repeat those warnings and strongly recommend that Mr Anderson obtain mentoring support if he has not already done so.

[7] In light of that finding, I accept that Mr Anderson's behaviour while acting as the plaintiff's representative in these proceedings tended to increase the defendant's costs and that an uplift is appropriate. However, I consider that only a limited uplift

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<sup>2</sup> High Court Rules 2016, r 14.23.

<sup>3</sup> Employment Court Regulations 2000, reg 68.

<sup>4</sup> *Menzies v Corrigan* [2025] NZEmpC 22 at [31].

<sup>5</sup> *Joyce v Ultimate Siteworks Ltd* [2024] NZEmpC 204, [2024] ERNZ 1000 at [11]–[28].

of 10 per cent is appropriate in the circumstances. There were communication difficulties more generally between the parties, but I do not consider that the plaintiff or his representative was necessarily entirely responsible for all of those difficulties.

[8] I also accept that the defendant's costs ought to be increased by 15 per cent to take into account GST given that he is not GST registered.<sup>6</sup>

[9] Applying an uplift of 25 per cent to the sum of scale costs set out above gives rise to a total of \$12,846.25.

[10] Therefore, I order that Mr Menzies pay Mr Corrigan the sum of \$12,846.25 within 14 days of the date of this judgment.

Kathryn Beck  
Judge

Judgment signed at 12.15 pm on 28 May 2025

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<sup>6</sup> *New Zealand Venue and Event Management Ltd v Worldwide NZ LLC* [2016] NZCA 282, (2016) 23 PRNZ 260 at [11]–[12].