

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND OFFICE**

BETWEEN Sonja Becker (Applicant)
AND Mosaner Collection Limited (Respondent)
REPRESENTATIVES Michael McFadden, Advocate for Applicant
Kate Trethewey, Counsel for Respondent
MEMBER OF AUTHORITY Dzintra King
MEMIRANDA RECEIVED 21 December 2005 and 5 January 2006 from Applicant
23 January 2006 from Respondent
DATE OF DETERMINATION 26 April 2006

DETERMINATION OF THE AUTHORITY

Ms Becker sought a compliance order and was successful. She now seeks costs.

Ms Becker's costs are \$2,500 and her disbursements – the filing fee – total \$70.00.

Ms Becker has sought an award of full costs which the respondent opposes. The sum at issue in the compliance order action was \$3,000. Mr. McFadden for Ms Becker argued that unless there was a substantial costs award any benefit to Ms Becker in having pursued compliance with her settlement agreement would be eroded.

The case took about an hour to hear. However, preparation time also needs to be taken into account and that may be longer that would appear from a short hearing. For a half day hearing a preparation time of eight hours would be reasonable. I think that would be fair for this case. Adding on one hour for the hearing gives a total of 9 hours. I do not know Mr. McFadden's hourly rate but assuming \$200, 9 hours gives a total of \$1,800.

A reasonable contribution to those reasonably incurred legal fees would, in the circumstances of this case (taking note of the erosion of the agreed sum) be \$1,250.

The respondent is to pay Ms Becker the sum of \$1,250 in costs plus \$70 in disbursements.

Dzintra King
Member of Employment Relations Authority