

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

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

**CIV-2019-404-001457
[2020] NZHC 435**

UNDER the Harassment Act 1997
IN THE MATTER of an appeal from a decision of the District
Court
BETWEEN JACQUELINE ANNE VERONICA
TURNER
Appellant
AND KAZUFUMI IKEDA
Respondent

Hearing: On the papers
Counsel: TJP Bowler for Appellant
Z Chen / J Leenoh for Respondent
Judgment: 9 March 2020

COSTS JUDGMENT OF LANG J

*This judgment was delivered by me on 9 March 2020 at 3.30 pm,
pursuant to Rule 11.5 of the High Court Rules.*

Registrar/Deputy Registrar

Date

Solicitors:
Neilsons Lawyers, Auckland
K3 Legal Ltd, Auckland.

[1] On 13 February 2020, I delivered a judgment in which I dismissed an appeal by the appellant, Ms Turner, against the dismissal of her claim under the Harassment Act 1997.¹ I am now required to fix costs in relation to the appeal.

[2] The respondent was plainly the successful party and is entitled to an award of costs. I do not consider the appellant succeeded to any material degree in the appeal and no reduction in costs is justified.

[3] The respondent, Mr Ikeda, has now provided evidence that he incurred and paid legal costs amounting to \$10,923.97. On that basis counsel for the respondent accepts an award of costs on a category 2B basis is appropriate. He seeks an uplift of 20 per cent, however, to reflect the fact that the appellant failed to comply with the timetable directions made by consent in relation to the filing and service of submissions. He says this contributed unnecessarily to the time and expense of the proceeding.

[4] The appellant's submissions were clearly filed late, and I accept this would have placed counsel for the respondent under considerable time pressure to prepare submissions in response. I do not consider, however, that this is likely to have added materially, if at all, to the overall cost of the proceeding. I therefore do not consider any uplift is justified.

[5] I make an award of costs in favour of the respondent on a category 2B basis together with disbursements as fixed by the Registrar.

[6] The Registrar may now disburse the funds held by way of security for costs to counsel for the respondent.

Lang J

¹ *Turner v Ikeda* [2020] NZHC 149.