

**IN THE DISTRICT COURT  
AT HAMILTON**

**I TE KŌTI-Ā-ROHE  
KI KIRIKIROA**

**CIV-2018-419-000231  
[2021] NZDC 5669**

BETWEEN

OCEAN ENERGY INNOVATION  
LIMITED (IN LIQUIDATION)  
First Plaintiff

AND

VIVIAN JUDITH FATUPAITO of Auckland  
and ELIZABETH HELEN KEENE of  
Christchurch, Insolvency Practitioners, as  
liquidators of Ocean Energy Innovation  
Limited (In Liquidation)  
Second Plaintiffs

AND

JOHN ROBERT MURRAY  
Defendant

Hearing: On the Papers

Appearances: JA McMillan and H van Oeveren for the Plaintiffs  
J R Murray – Self Represented

Judgment: 31 March 2021 at 9.30 am

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**RESERVED JUDGMENT OF JUDGE S R CLARK  
[ Costs Decision]**

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[1] In my reserved decision of 1 March 2021, I found that the plaintiffs were entitled to judgment in the sum of \$285,835.94.

[2] At paragraph [81] of that judgment, I directed the filing of a memorandum from the solicitors for the plaintiffs concerning interest calculations and costs.<sup>1</sup>

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<sup>1</sup> *Ocean Energy Ltd (In Liquidation) v John Robert Murray* [2021] NZDC 3142 [1 March 2021].

## **Interest**

[3] In response the solicitors for the plaintiffs filed a memorandum on 8 March 2021. In it they explain that interest is sought on the judgment sum from 4 May 2018, as that is the day on which the cause of action arose. I accept that is the case.

[4] The plaintiffs amended the amount of interest sought, as explained at paragraphs 3.1-3.3 of their memorandum. The net effect is that they claim interest pursuant to s 9(1) of the Interest on Money Claims Act 2016 in the sum of \$16,358.77. That can be further broken down into two parts, first for the period 4 May 2018 to 4 April 2019, interest calculated on the sum of \$59,865.79 - the amount sought being \$1,871.86. Second for the period 4 April 2019 to 1 March 2021 (the date of judgment), interest calculated on the sum of \$285,835.94, the amount sought being \$14,486.91. The total amount of interest sought is \$16,358.77. I accept that amount is validly sought by the plaintiffs.

## **Costs**

[5] In my reserved decision I indicated that the plaintiffs were entitled to costs on a Scale 2B basis. The plaintiffs have set out two tables in their submissions, seeking to recover costs on steps taken in both the High Court and the District Court. They are entitled to do so pursuant to s 96(4) of the District Court Act 2016.

[6] The costs claimed in the High Court total \$22,969. I approve those costs.

[7] The costs sought in the District Court total \$17,500.50. I believe an error was made at entry 15, being the appearance time at the simplified trial. Appearance time at a simplified trial is calculated as being twice the time occupied by the hearing, measured in half days. The daily rate is \$1,910.<sup>2</sup> The appropriate amount for a half day appearance is \$955. The simplified trial lasted one day or two half days. Therefore, I calculate the correct amount to be \$3,800, broken down as follows:

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<sup>2</sup> Schedule 5 District Court Rules 2014.

One half day \$955 x 2 = \$1,910 x 2 = \$3,820.

[8] Therefore, the amount sought of \$17,500.50 must be reduced by \$3,820, to a figure of \$13,680.50 which I approve.

### **Disbursements**

[9] Disbursements have also been sought, \$1,779.81 in the High Court and \$4,301.31 in the District Court. The total amount is \$6,081.12, which I approve.

[10] Therefore, I confirm that the solicitors for the plaintiffs may now take steps to arrange for sealing of the judgment in the following amounts:

- (a) Judgment sum \$285,835.94;
- (b) Interest \$16,358.77;
- (c) Costs \$36,649.50;
- (d) Disbursements \$6,081.12

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Judge SR Clark  
District Court Judge

Date of authentication: 31/03/2021