

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

**CIV-2011-470-997  
[2012] NZHC 2958**

BETWEEN                      SUISSE INTERNATIONAL LIMITED  
   Plaintiff

AND                              BEVERLEY JEAN MONK  
   Defendant

Hearing:            11 September 2012

Appearances: Mr A Swan for plaintiff  
                         Mr P Dalkie for defendant  
                         (on papers)

Judgment:        8 November 2012

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**JUDGMENT OF ASSOCIATE JUDGE DOOGUE  
[on Costs]**

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*This judgment was delivered by me on  
08.11.12 at 4.30 pm, pursuant to  
Rule 11.5 of the High Court Rules.*

*Registrar/Deputy Registrar*

*Date.....*

*Counsel:*

*Mr A M Swan, Southern Cross Chambers, Auckland – [andrewswan@xtra.co.nz](mailto:andrewswan@xtra.co.nz)  
Mr P Dalkie, P O box 392, Auckland – [paul.dalkie@xtra.co.nz](mailto:paul.dalkie@xtra.co.nz)*

[1] I granted the defendant's application for security for costs in a judgment dated 19 September 2012.

[2] In accordance with r 14.2(a) the party who failed with respect to the interlocutory application should pay costs to the other party. I see no reason not to be guided by this principle. Therefore the plaintiff ought to pay costs.

[3] I do not consider that the fact that the plaintiff made an offer to pay security for costs at a lesser sum than that ordered affects the exercise of my discretion to order costs.

[4] Mr Dalkie has sought costs on a 2B basis and I accept that as the appropriate category. He seeks costs for appearances at two mentions of this matter and preparation or memoranda for those mentions. I do not consider that costs for those mentions should be included in the present order. It is possible that the defendant, while succeeding on the application for security for costs, might ultimately fail on the proceedings overall. In that case the presumption would be that costs of attending the mentions would be payable by the defendant and not to the defendant.

[5] I accordingly allow costs on the filing of the interlocutory application, preparing the written submissions and appearing at the hearing of the defended application, which are listed as items 22, 36 and 26 in Mr Dalkie's submissions. The filing fee on the application is also to be paid by the plaintiff, that is the sum of \$725.

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J.P. Doogue  
Associate Judge