

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

**I TE KŌTI MATUA O AOTEAROA
ŌTAUTAHI ROHE**

**CIV-2017-409-000839
[2023] NZHC 604**

BETWEEN	PHILLIPPA ANNE GOODMAN-JONES and GARETH GOODMAN-JONES as Trustees of the Bayview Trust Plaintiffs
AND	DAVID JOHN HUGHEY First Defendant
AND	BUILDING CHOICES LIMITED Second Defendant
AND	CHRISTCHURCH CITY COUNCIL Third Party

Hearing: On the papers

Counsel: P J Shamy and S B Henry for the Plaintiffs
J E Bayley and F H Scrase for the First Defendant
B G Walker for the Second Defendant
S H Macky for the Third Party

Judgment: 23 March 2023

**JUDGMENT OF NATION J
AS TO COSTS**

[1] I refer to the joint memorandum of counsel dated 13 March 2023 for which the Court is grateful.

[2] The amount for which the first defendant is liable to the plaintiffs, as referred to in para [290] of the 13 February 2023 judgment, is \$32,631.36 including GST.

[3] The parties have agreed as to the costs orders which are appropriate in light of the judgment and taking into account the amount for which the first defendant is liable to the plaintiffs. As a result, and by agreement, I make the following orders:

- (a) judgment for the first defendant against the plaintiffs in the sum of \$271,938.69 (being the first defendant's costs and disbursements of \$304,570.05 less the remedial costs of \$32,631.36);
- (b) judgment for the second defendant against the plaintiffs for the second defendant's costs and disbursements in the sum of \$92,285.90;
- (c) judgment for the third party against the plaintiffs for the third party's costs and disbursements in the sum of \$122,984.07; and
- (d) leave is reserved to the third party to seek judgment against the defendants for the sum of \$122,984.07 in substitution for the order in (c) and, if successful, there shall be judgment for the defendants against the plaintiffs for the sum of \$122,984.07.

Solicitors:

P J Shamy, Barrister, Christchurch
S B Henry, Barrister, Christchurch
Rhodes & Co., Christchurch
B G Walker, Barrister, Christchurch
Heaney & Partners, Auckland.