

IN THE SUPREME COURT OF NEW ZEALAND

SC 21/2013
[2014] NZSC 20

BETWEEN

E M HOUGHTON
Appellant

AND

AIG INSURANCE NEW ZEALAND
LIMITED (formerly Chartis Insurance
New Zealand Limited)
First Respondent

T E C SAUNDERS & ORS
Second Respondents

Court: Elias CJ, McGrath and Glazebrook JJ

Counsel: A J Forbes QC and P A B Mills for Appellant
M G Ring QC and B J Burt for First Respondent
A R Galbraith QC and A E Ferguson for Second Respondent

Judgment: 18 March 2014

JUDGMENT OF THE COURT

- A The costs order made in the Court of Appeal is set aside.**
- B Costs and disbursements in the High Court and the Court of Appeal are (absent agreement) to be set by those Courts in light of this Court's judgment on the appeal.**
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REASONS

[1] On 23 December 2013, this Court allowed the appellants' appeal in SC 19/2013 and SC 21/2013.¹

¹ *BFSL 2007 Ltd v Steigrad* [2013] NZSC 156.

[2] On 11 February 2014 the appellant in SC 21/2013 sought orders fixing costs and disbursements in the High Court and the Court of Appeal.

[3] The first respondent in SC 21/2013 has no objection to the disbursements claimed by the appellant but does object to some of the costs claimed.

Result

[4] The costs order made in the Court of Appeal is set aside.

[5] Costs and disbursements in the High Court and the Court of Appeal are (absent agreement) to be set by those Courts in light of this Court's judgment on the appeal.

Solicitors:

Wilson McKay, Auckland for Appellant

Chapman Tripp, Auckland for First Respondent

Wilson Harle, Auckland for Second Respondent