

**IN THE DISTRICT COURT
AUCKLAND OFFICE**

CIV-2012-004-696

BETWEEN GRACE HADEN of 23 Wapiti Ave, Epsom, Auckland

First Plaintiff

**AND VERISURE INVESTIGATIONS LIMITED of a duly incorporated
company having its registered office at 23 Wapiti Ave, Epsom,
Auckland**

Second Plaintiff

**AND NEIL EDWARD WELLS of 1308 State Highway 3, RD 5, Te
Kuiti 3985, Barrister**

First Defendant

**AND WINIFRED NORIEN HOADLEY of 74 Castor Bay Road,
Castor Bay, Auckland 0620, Barrister**

Second Defendant

**AND GRAEME JOHN COUTTS of 15A Saltaire Street, Avondale,
Auckland 1026**

Third Defendant

**MEMORANDUM OF COUNSEL ON BEHALF OF THE DEFENDANTS
IN RELATION TO COSTS**

DATED THE 23rd DAY OF May 2013

**NEXT EVENT:
JUDICIAL OFFICER:
CASE OFFICER:**

**BROOKFIELDS
LAWYERS
D J Neutze
Telephone No. 09 379 9350
Fax No. 09 379 3224
P O Box 240
DX CP24134
AUCKLAND**

MAY IT PLEASE THE COURT

- ## Indemnity Costs

- 31455544:600154

- (d) The defendants say that they should be entitled to indemnity costs for the following reasons:
 - (i) the plaintiffs have acted vexatiously in attempting to re-litigate matters already determined, by unnecessarily continuing with a proceeding that never had a realistic prospect of success and ought never to have been brought. At paragraph 31 of the Judgment, His Honour's findings in granting the defendants' application were that:
 - (A) not only has the plaintiffs' claim not been properly pleaded but more significantly there is no reasonable prospect of success;
 - (B) it is therefore vexatious as being a continuation of the earlier litigation and, in effect, a collateral attack on the earlier judgment of this Court; and
 - (C) the plaintiffs' claim constitutes an abuse of process.
 - (ii) the plaintiffs have alleged fraud without any or proper evidential foundation.

Increased Costs

- 4. Alternatively, if indemnity costs are not awarded, increased costs should be awarded. These costs are summarised below:
 - (a) The defendants are seeking an award of increased costs totalling \$6,045 (being a 50% uplift from scale) under rule 4.6.3(b) of the District Court Rules 2009 ("the DCR"), together with disbursements of \$603 pursuant to rule 4.12 of the DCR.
 - (b) The defendants agree that the proceeding should be categorised as category 2, with band B applying to each step in the proceeding.

- (c) In accordance with the DCR Schedules 2 and 3, the defendants' scale costs on a category 2B basis total \$4,030 ("scale costs") (see schedule "F").
- (d) In addition to the scale costs, the defendants say that they should be entitled to a further uplift of 50% on those costs totalling \$2,015. The defendants' reasons for this entitlement are set out in paragraph 3(d) above.

Summary

- 5. The defendants have been successful in their application to strike out the plaintiffs' claim. Accordingly, they seek an award of either:
 - (a) indemnity costs totalling \$16,071.65 (see schedule marked as "A" together with copies of the invoices referred to marked "B", "C", "D" and "E"); or
 - (b) increased costs totalling \$6,045 being scale costs of \$4,030, 50% uplift on scale costs of \$2,015, together with disbursements of \$603 (see schedule marked as "F").

DATED the 23rd day of May 2013



D J Neutze
Solicitor for the defendants

"A"

INDEMNITY COSTS

INVOICE	ATTENDANCES IN MAY AND APRIL 2012	FEES
28.06.12	<ul style="list-style-type: none"> • Reviewing documents filed with the District Court and consider strike-out • Telephone from Neil regarding latest pleadings filed by Grace • Reviewing documents; email to David • Attendance on reviewing claim; DCR and Crimes Act; preparing response by defendants • Attendance on preparing notice of response • Attendance on you regarding notice of response and letter from Peter McCutcheon • Attendance on notice of response • Internal conference (Ben and Lisa); amend response • Attendance on updating pleadings files 	
Fees		1,784.00
INVOICE	ATTENDANCES IN JULY 2012	
31.07.12	<ul style="list-style-type: none"> • Reviewing letter and information capsule received from Grace Haden; telephone discussion with you regarding the same • Reviewing affidavit • Attendance on sorting District Court proceedings 	
Fees		369.00
INVOICE	ATTENDANCES IN AUGUST 2012	
31.08.12	<ul style="list-style-type: none"> • Drafting application to strike out proceedings; finalise research regarding jurisdiction of the District Court and correct form of application • Attendance on preparing memorandum in support of our application to strike out • Attendance on preparing affidavit in support of our application to strike out • Further attendance on affidavit in support of strike out application 	

- Amending and finalise application for strike out
- Attendance on affidavit in support of strike out application and strike out application; sorting exhibits to be annexed to affidavit
- Amending application to Court for strike out and discuss with Ben and Lisa
- Reviewing and amending strike out application and affidavit
- Attendance on finalising affidavit in support of application to strike out
- Attendance on judgment bundle; sorting filing of application, affidavit, memorandum and judgment bundle
- Reviewing affidavit
- Email from the Court regarding hearing date; email to you to confirm the hearing date for the strike out application
- Telephone from you regarding strike out application
- Attendance on service of the strike out application; telephone discussions with you
- Attendance on email to and from Grace Haden; telephone from Translegal; email from Translegal
- Perusal of documents filed by Grace Haden on 23 August 2012 in order to address in submissions for strike out application
- Reviewing latest pleadings received from Grace Haden; forwarding same to you for your information
- Attendance on email to Court regarding hearing of strike out application
- Drafting submissions in support of application for strike out
- Internal conference with Natalie; consider jurisdictional argument and *Rowan v Mitchell*; internal conference with David and Lisa about prospects of success of strike out application
- Drafting submissions for strike out application and further research regarding strike out in the District Court
- Attendance on file regarding strike out application;
- Reviewing emails and conferences with Ben and Lisa

	• Amending submissions for strike out application	
Fees		5,062.50
INVOICE	ATTENDANCES IN SEPTEMBER 2012	
28.09.12	<ul style="list-style-type: none"> • Amending submissions • Amending final draft of submissions • Amending additional paragraphs in submissions regarding further orders sought from the Court • Attendance on service letters and letter to the Court enclosing the submissions • Reviewing, amending and finalising submissions on strike out • Attendance on preparing bundles of relevant documents and authorities in support of our submissions; attendance on filing and serving the same • Incidental attendances on file – go through judgment bundles and case bundles and highlight references in submissions • Preparation for hearing (review authorities and bundles) • Attendance on bundles and internal conferences with David • Reviewing Haden's submissions; attendance on additional copies of cases and rules for court • Attendance at strike out hearing 	
Fees		6,232.50
Subtotal Fees		\$13,451.00
GST		2,017.65
Total Fees		\$15,468.65
DISBURSEMENTS (including GST)		
Filing fees for interlocutory application to strike out claim		223.50
Service fees for interlocutory application to strike out claim, submissions and defendants' bundles of relevant documents and authorities		379.50
Total Disbursements		\$603.00

TAX INVOICE

GST No: 53-878-229

28 June 2012

AWINZ

c/- Neil Wells

1308 State Highway 3

TE KUITI 3985

"B"

Brookfields

LAWYERS

Brookfields House
19 Victoria Street West
Auckland, New Zealand
PO Box 240, Auckland 1140
Telephone: +64 9 379 9360
Facsimile: +64 9 379 3224

Bill No: 288062

Our Ref: 600154/David Neutze/Lisa Hughes

GRACE HADEN

	Amount excl GST	GST	Amount incl GST
Our fee for all attendances to date relating to this matter as set out in the attached schedule of attendances	45,671.87	6,850.78	52,522.65

- Our fee (\$36,537.50) plus a 25% uplift as agreed

Disbursements and Office Charges

LINZ Attendances	66.66		
Advertising	70.00		
Couriers	190.60		
Filing Fees	1,345.05		
Other Disbursements	367.41		
Photocopying and Printing	543.26		
Search Fees	17.40		
Service Fees	570.00		
	<u>\$3,170.38</u>	<u>\$475.56</u>	<u>\$3,645.94</u>

TOTAL FOR THIS ACCOUNT (Inclusive of GST)

NZ \$ 56,168.59

Brookfields

This account is payable on the 20th of the month following the date of this account.

Payment may be made by direct credit to:

A/c No: 03-0104-0017181-00 quoting reference: 600154-288062

Westpac, 79 Queen Street, Auckland, New Zealand. Swift Code: WPACNZ2W

Brookfields

LAWYERS

PO Box 240
Auckland 1140

Please return this portion
to Brookfields.

From: AWINZ

Account No: 288062:LGF:600154

Date: 28 June 2012

Amount: NZ \$ 56,168.59

Paid by: ☐ Cheque (attached)

☐ Direct Credit on (date) _____

Date: 28 June 2012
 Bill No: 288062
 Our Ref: 600154/David Neutze/Lisa Hughes

SCHEDULE OF ATTENDANCES

GRACE HADEN

Date	Details	Solicitor	Hours	\$ Amount
09.05.11	Attendance on reviewing files regarding statutory demand	LGH	0.5	125.00
23.08.11	Attendance on file regarding issuing of charging order	LGH	0.5	125.00
23.08.11	LINZ Search & Registration Attendance - Unit cost	NW	0.1	22.22
23.08.11	Attendance on Neil Wells; reviewing file; email to Nick Wright	LGH	1.5	375.00
23.08.11	Attendance on Haden recovery issues.	DJN	0.4	192.00
24.08.11	Reviewing emails from Neil Wells; email to Neil Wells	LGH	0.4	100.00
29.08.11	E-mail from Neil Wells; responding to the same	LGH	0.3	75.00
29.08.11	Attendance on DCR regarding certifying judgment	LGH	0.5	125.00
29.08.11	Telephone attendance with Neil Wells.	DJN	0.2	96.00
30.08.11	Attendance at meeting with N Wells and W Hoadley.	DJN	1.6	768.00
31.08.11	Attendance on you regarding authority to uplift and resolution	LGH	0.2	50.00
31.08.11	Attendance on authorities to uplift	LGH	0.3	75.00
01.09.11	Attendance on proposal	LGH	2.0	500.00
06.09.11	Attendance on email to Nick requesting his files	LGH	0.2	50.00
28.09.11	Attendance on file regarding response from AWINZ	LGH	0.2	50.00
29.09.11	Attendance on email to Nick regarding further files	LGH	0.2	50.00
11.10.11	Attendance on file; attendance on Neil Wells	LGH	0.5	125.00
03.11.11	Attendance on email to Board regarding proposal	LGH	0.2	50.00
15.11.11	Attendance on meeting with you	LGH	1.0	250.00
17.11.11	Attendance on reviewing pleadings/correspondence; drafting judgments for sealing	LGH	5.0	1,250.00
18.11.11	Attendance on file regarding judgments	LGH	0.5	125.00
22.11.11	Attendance on letter to District Court regarding sealing judgments	LGH	0.5	125.00
23.11.11	Attendance on reviewing files to ascertain disbs for costs judgment	LGH	1.5	375.00
24.11.11	Attendance on amending judgment to include disbursements; certifying judgment	LGH	1.5	375.00
06.12.11	Attendance on file regarding sealing further judgment	LGH	1.0	250.00
07.12.11	Attendance on email to the High Court regarding pending costs judgments; reviewing files regarding the same; drafting bankruptcy notice; calculating interest for each judgment and each interest rate	LGH	2.5	625.00
08.12.11	Attendance on bankruptcy proceedings	LGH	1.5	375.00
12.12.11	Attendance on finalising bankruptcy proceedings	LGH	0.7	175.00
13.12.11	Attendance on amending bankruptcy notice, following email from the Court regarding interest; email to High Court regarding the same	LGH	0.5	125.00
14.12.11	Attendance on statutory demand	LGH	1.0	250.00
14.12.11	Attendance on sealing order for costs (AHC x 2)	LGH	1.0	250.00
14.12.11	Attendance on David Slight (AHC) regarding sealed orders for costs (email and telephone)	LGH	0.5	125.00
09.01.12	E-mail to Grace Haden	CZC	0.1	30.00
09.01.12	Telephone from Grace Haden; email file note to David Neutze	CZC	0.2	60.00

SCHEDULE OF ATTENDANCES (continued)
GRACE HADEN

Date	Details	Solicitor	Hours	\$ Amount
16.01.12	Attendance on reviewing email from Haden; reviewing HCR	LGH	1.0	260.00
23.01.12	Attendance on drafting application for substituted service	LGH	1.0	260.00
24.01.12	Attendance on application and affidavit for sub service	LGH	1.0	260.00
24.01.12	Attendance on agent regarding service	LGH	0.2	52.00
25.01.12	Attendance on liquidation proceedings	LGH	1.0	260.00
31.01.12	Attendance on drafting orders for substituted service; letter to the High Court to renew bankruptcy notice and file application	LGH	0.7	182.00
08.02.12	Attendance on liquidation proceedings	LGH	1.0	260.00
09.02.12	Attendance on preparing advert of bankruptcy notice; email to you regarding enforcement proceedings; email to the Court regarding orders for substituted service	LGH	1.0	260.00
10.02.12	Attendance on liquidation and bankruptcy proceedings	LGH	0.5	130.00
13.02.12	Attendance on process server regarding service of bankruptcy notice	LGH	0.5	130.00
15.02.12	Attendance on service of liquidation proceedings	LGH	0.5	130.00
17.02.12	Attendance on file; drafting affidavit of service of bankruptcy notice	LGH	0.5	130.00
22.02.12	Telephone to agent; email to you to update	LGH	0.5	130.00
24.02.12	Attendance on application, summons and affidavit	LGH	2.0	520.00
27.02.12	Attendance on drafting advertisement for putting company into liquidation	LGH	0.5	130.00
27.02.12	Reviewing email from you; reviewing opposition papers received from Grace Haden; forwarding the same to you for your information and review	LGH	1.0	260.00
28.02.12	Telephone from Neil Wells regarding applns filed by Grace; attendance on Court regarding hearing of bankruptcy appln; email to you regarding the same; email to you attaching recent judgments of Hansen J	LGH	0.5	130.00
06.03.12	Attendance on drafting notice of opposition; HCR regarding the same; reviewing application of Haden	LGH	4.0	1,040.00
07.03.12	Reviewing notice of opposition, consider amendments; internal conference (Lisa and Ben)	BXA	0.3	69.00
07.03.12	Attendance on opposition and affidavit in support; corresponding with you regarding the same	LGH	5.0	1,300.00
08.03.12	Review draft pleadings, file and research re: stay and application to restrain, amend affidavit and application notice	SJC	1.2	486.00
08.03.12	Attendance on preparing affidavit in support of opposition; emails with you regarding the same	LGH	6.0	1,560.00
09.03.12	Attendance on arranging filing and service of notice of opposition and affidavit in support	LGH	0.5	130.00
13.03.12	Attendance on High Court regarding affidavit and hearing tomorrow	LGH	0.5	130.00
14.03.12	Attendance on file regarding company and legal representation and review Court of Appeal authority	SJC	0.3	121.50
14.03.12	Attendance on file regarding hearing on 14 March 2012; reporting to you on the same	LGH	0.5	130.00
14.03.12	Attendance on reviewing Grace's application to set aside the bankruptcy notice; drafting opposition and affidavit in support	LGH	2.5	650.00
14.03.12	Preparation and attendance at High Court.	BXA	2.1	483.00
15.03.12	Attendance on finalising opposition and supporting affidavit; emailing same to you; discussing same with you; reviewing minute of AJ Doogue; forwarding the same to you for your information	LGH	2.0	520.00

SCHEDULE OF ATTENDANCES (continued)
GRACE HADEN

Date	Details	Solicitor	Hours	\$ Amount
15.03.12	Attendance on updating pleading file	LGH	0.2	52.00
16.03.12	Attendance on filing and service	LGH	0.5	130.00
19.03.12	Attendance on reviewing Grace Haden's latest memorandum; forwarding the same to you; drafting memorandum in response;	LGH	1.2	312.00
20.03.12	Acting on file; attendance on filing and serving judgment creditor's memo; updating pleadings	LGH	0.5	130.00
21.03.12	Internal conference (Lisa, David and Ben)	BXA	0.2	46.00
22.03.12	Preparation and attendance at High Court in bankruptcy list in opposition to application to set aside bankruptcy notice; review additional documents filed by Grace Haden	BXA	2.7	621.00
22.03.12	Attendance on reviewing further documents from Grace Haden in Bankruptcy proceeding; emailing same to you for your information	LGH	0.5	130.00
27.03.12	Reviewing oral judgment of AJ Bell; email to you enclosing the same	LGH	0.4	104.00
27.03.12	Attendance on creditor's application and summons to debtor and affidavit supporting creditor's application	LGH	2.0	520.00
28.03.12	Attendance on appln/summons/affidavit	LGH	1.0	260.00
29.03.12	Attendance on email to you attaching application and affidavit for you to execute	LGH	0.2	52.00
16.04.12	Attendance on filing application/summons/affidavit	LGH	0.3	78.00
16.04.12	Reviewing documents filed with the District Court and consider strike-out	BXA	0.4	92.00
17.04.12	Telephone from Neil regarding latest pleadings filed by Grace	LGH	0.2	52.00
17.04.12	Reviewing documents; email to David	BXA	0.3	69.00
18.04.12	Acting on file in relation to application/summons and affidavit in support; email to you regarding the same	LGH	1.0	260.00
19.04.12	Attendance on email to Neil regarding bankruptcy; finalising application	LGH	0.5	130.00
20.04.12	Drafting and amending memorandum to District Court	BXA	0.8	184.00
20.04.12	Attendance on memo for court	LGH	0.2	52.00
23.04.12	Attendance on memo for mention on Tuesday 24 April 2012	LGH	0.2	52.00
23.04.12	Attendance on filing and serving memorandum for mention on Tuesday 24 April 2012	LGH	0.3	78.00
24.04.12	E-mail to Neil Wells	BXA	0.1	23.00
24.04.12	Preparation and attendance at District Court opposing application to stay judgement	BXA	3.8	874.00
24.04.12	Attendance on file regarding hearing at DC	LGH	0.5	130.00
26.04.12	Attendance on email to you regarding hearing; attendance on agent regarding service of bankruptcy proceedings	LGH	0.7	182.00
02.05.12	Drafting and amending submissions on Grace Haden's request to appear on behalf of company	BXA	1.2	276.00
02.05.12	Attendance on agent regarding service on Grace Haden; email regarding the same; email to you to confirm service	LGH	0.5	130.00
03.05.12	Attendance on file for hearing on Friday 4 May; reviewing submissions and Grace's affidavit	LGH	1.0	260.00
03.05.12	Attendance on memorandum for hearing on Friday, 4 May	LGH	1.0	260.00
04.05.12	Attendance at High Court when Grace Haden's right to appear for Verisure was declined by the court.	DJN	2.4	1,200.00
04.05.12	Attendance on file for hearing on 4 May	LGH	0.5	130.00
04.05.12	Telephone from Neil regarding liquidation hearing	LGH	0.2	52.00

SCHEDULE OF ATTENDANCES (continued)
GRACE HADEN

Date	Details	Solicitor	Hours	\$ Amount
17.05.12	Attendance on reviewing claim; DCR and Crimes Act; preparing response by defendant	LGH	2.0	520.00
18.05.12	Attendance on preparing notice of response	LGH	2.0	520.00
18.05.12	Attendance on you regarding notice of response and letter from Peter McCutcheon	LGH	0.3	78.00
21.05.12	Attendance on notice of response	LGH	1.0	260.00
22.05.12	Internal conference (Ben and Lisa); amend response	BXA	0.5	115.00
22.05.12	Attendance on updating pleadings files	LGH	0.3	78.00
23.05.12	Telephone call to Robert Gibney at the High Court registry about proposed adjournment	BXA	0.2	46.00
23.05.12	LINZ Search & Registration Attendance - Unit cost	NW	0.1	22.22
23.05.12	E-mail from you regarding Garden Trustee Limited; attendance on company search; email to you; telephone discussion with you	LGH	0.7	182.00
29.05.12	Attendance on advertisement; email Gazette and Herald	LGH	1.0	260.00
31.05.12	E-mail from Grace; telephone discussions with you	LGH	0.2	52.00
31.05.12	Attendance on email to Gazette and Herald; reviewing response and checking proof	LGH	1.0	260.00
01.06.12	E-mail from gazette regarding notice; email to them regarding the same	LGH	0.2	52.00
05.06.12	Telephone from you regarding advertisement and proceedings this week	LGH	0.1	26.00
06.06.12	Reviewing opposition to bankruptcy application; review caselaw and legislation; consider strategy; internal conferences (Ben, Lisa and David)	BXA	1.2	276.00
06.06.12	Attendance on file regarding bankruptcy hearing on 7 June 2012	LGH	1.0	260.00
07.06.12	Preparation and attendance at High Court	BXA	1.5	345.00
07.06.12	Research on bankruptcy and ability to pay	BXA	0.5	115.00
07.06.12	Acting on file in relation to bankruptcy hearing	LGH	0.5	130.00
08.06.12	Telephone calls to/from Neil Wells about Haden bankruptcy and liquidation hearing	BXA	0.2	46.00
11.06.12	LINZ Search & Registration Attendance - Unit cost	NW	0.1	22.22
11.06.12	Attendance on preparing affidavit in reply; email correspondence with you regarding the same	LGH	3.5	910.00
12.06.12	Reviewing and amending affidavit; review caselaw on bankruptcy when debtor "able to pay debts"; consider order from court requiring payment of funds held on trust	BXA	1.0	230.00
12.06.12	Attendance on various matters in relation to the bankruptcy and liquidation hearings; including affidavit in reply and appearance in support	LGH	4.0	1,040.00
14.06.12	Reviewing affidavit received from Grace Haden; consider strategy; preparation for court	BXA	1.0	230.00
15.06.12	Preparation and attendance at High Court; negotiations with Peter McCutcheon; telephone calls to Neil Wells	BXA	3.4	782.00
15.06.12	E-mail to Peter McCutcheon	BXA	0.1	23.00
18.06.12	Internal conference (Lisa and Ben); emails to/from Peter McCutcheon and telephone call from Peter McCutcheon about settlement and debts now covered by settlement; review other debts and costs orders	BXA	2.0	460.00
18.06.12	Attendance on calculating amounts owed (including interest); email to you regarding the same	LGH	3.0	780.00
19.06.12	Telephone calls and emails to/from Peter McCutcheon and Neil Wells	BXA	0.7	161.00

SCHEDULE OF ATTENDANCES (continued)**GRACE HADEN**

Date	Details	Solicitor	Hours	\$ Amount
19.06.12	Attendance on preparing judgment as to costs; forwarding the same to the High Court for sealing	LGH	1.0	260.00
19.06.12	Attendance on file regarding settlement	LGH	0.5	130.00
20.06.12	Attendance on file; attendance on you and attendance on Peter McCutcheon	LGH	2.2	572.00
21.06.12	Telephone call from Peter McCutcheon; internal conference (Lisa and Ben); telephone call from Neil Wells; email from Grace Haden serving new affidavit and other documents; review documents; email to Peter McCutcheon to advise intention to proceed unless bank cheque presented; review High Court Rules on interest; telephone call from Peter McCutcheon	BXA	0.9	207.00
21.06.12	Attendance on issuing demands on Verisure and Haden for other cost awards; reviewing further documents from Grace; email to you to update; working strategy for liquidation hearing	LGH	3.5	910.00
22.06.12	Preparation and attendance at High Court on liquidation proceeding; discussions with Peter McCutcheon	BXA	3.2	736.00
22.06.12	Attendance on preparing for liquidation hearing	LGH	1.0	260.00
22.06.12	E-mail from Peter McCutcheon confirming payment; responding to the same	LGH	0.2	52.00
22.06.12	Attendance on email to you to report on today's appearance	LGH	0.3	78.00
Total time and work performed			138.7	\$36,229.16
Reduced to:				\$45,738.53
GST on fee				\$6,860.78
Total Fee (inclusive of GST)			NZ \$	<u>52,599.31</u>

Time Charged

Solicitor	Position	Hours	Rate	\$ Amount
Benjamin Atkins	Solicitor	0.0	\$0.00	1,640.92
Benjamin Atkins	Solicitor	28.3	\$230.00	6,509.00
Cathryn Curran-Tietjens	Senior Solicitor	0.0	\$0.00	22.46
Cathryn Curran-Tietjens	Senior Solicitor	0.3	\$300.00	90.00
David Neutze	Partner	0.0	\$0.00	562.97
David Neutze	Partner	2.2	\$480.00	1,056.00
David Neutze	Partner	2.4	\$500.00	1,200.00
Lisa Hughes	Legal Executive - As	0.0	\$0.00	6,756.42
Lisa Hughes	Legal Executive - As	27.7	\$250.00	6,925.00
Lisa Hughes	Legal Executive - As	77.5	\$260.00	20,150.00
Noelene Wallace	Registration Clerk	0.3	\$22.22	66.66
Stephen Corlett	Partner	0.0	\$0.00	151.60
Stephen Corlett	Partner	1.5	\$405.00	607.50
Total time and work performed		140.2		\$45,738.53
GST on fee				6,860.78
Disbursements and office charges (inclusive of GST)				3,569.28
Total for this account (Inclusive of GST)			NZ \$	<u>\$56,168.59</u>

TAX INVOICE

GST No: 53-878-229

Brookfields

LAWYERS

31 July 2012

"C"

AWINZ

c/- Neil Wells
1308 State Highway 3
TE KUITI 3985

Brookfields House
19 Victoria Street West
Auckland, New Zealand
PO Box 240, Auckland 1140
Telephone: +64 9 379 9350
Facsimile: +64 9 379 3224

Bill No: 289909

Our Ref: 600154/David Neutze/Lisa Hughes

GRACE HADEN

	Amount excl GST	GST	Amount incl GST
Our fee for attendances of \$12,964.00			
Reduced for you to	10,516.00	1,577.40	12,093.40
Disbursements and Office Charges			
Advertising	329.57		
Couriers	108.68		
Filing Fees	640.96		
Other Disbursements	10.00		
Photocopying and Printing	170.20		
Search Fees	8.70		
Service Fees	145.00		
	<u>\$1,413.11</u>	<u>\$210.46</u>	<u>\$1,623.57</u>
TOTAL FOR THIS ACCOUNT (inclusive of GST)		NZ \$	<u>13,716.97</u>

Brookfields
LAWYERS

This account is payable on the 20th of the month following the date of this account.

Payment may be made by direct credit to:

A/c No: 03-0104-0017181-00 quoting reference: 600154-289909
Westpac, 79 Queen Street, Auckland, New Zealand. Swift Code: WPACNZ2W

Brookfields

LAWYERS

PO Box 240
Auckland 1140

Please return this portion
to Brookfields

From: AWINZ

Account No: 289909:LGF:600154

Date: 31 July 2012

Amount: NZ \$ 13,716.97

Paid by: ☐ Cheque (attached)

☐ Direct Credit on (date) _____

Date: 31 July 2012
Bill No: 289909
Our Ref: 600154/David Neutze/Lisa Hughes

SCHEDULE OF ATTENDANCES

GRACE HADEN

Date	Details
25.06.12	Research procedural rules regarding whether or not substituted plaintiff may rely on original demand and discuss with Lisa.
25.06.12	Attendance on file regarding substituted plaintiff (Hoadley) proceedings
26.06.12	Research and report to Lisa regarding likelihood of bankruptcy application being successful.
26.06.12	Attendance on preparing liquidation proceedings on behalf of substituted plaintiff
26.06.12	Attendance on finalising the liquidation proceedings on behalf of the substituted plaintiff
26.06.12	Attendances checking draft statement of claim for substituted plaintiff to ensure consistency with cases
26.06.12	Attendance on preparing breakdown of calculations for letter to Peter McCutcheon
26.06.12	Reviewing statement of claim and internal conference with Lisa
27.06.12	Telephone from Wyn regarding substituted plaintiff proceedings
27.06.12	Attendance on preparing demand for payment of all further debts
27.06.12	Attendance on email to you attaching letter of demand for your approval
27.06.12	Reviewing letter to Peter McCutcheon and emails to/from Lisa, Grace Haden and Peter McCutcheon
28.06.12	Research cases regarding lodging charging order against funds held in trust account of debtor.
28.06.12	Attendance on various emails with you regarding demand on Haden/Verisure; emails to and from Peter McCutcheon
28.06.12	Attendance on finalising the demand; reviewing email from Grace Haden; responding to the same; attendance on Wyn regarding her affidavit; drafting letter to the Court regarding the substituted plaintiff proceedings
29.06.12	Attendance on reviewing email from Grace Haden; telephone to the High Court regarding security for costs; attendance on drafting settlement letter to Grace Haden; forwarding copy to your for your information
29.06.12	Finalise letter to Grace Haden regarding settlement and memo to court on the bankruptcy application.
29.06.12	Conferences (over several days) with Lisa and Ben regarding strategy on settlement, bankruptcy and liquidation.
29.06.12	Attendance on sorting memo and preparing affidavit in support
29.06.12	Internal conferences with Lisa; review emails from and to Grace Haden; draft memorandum to the High Court
02.07.12	Reviewing letter and information capsule received from Grace Haden
02.07.12	Reviewing affidavit
02.07.12	Attendance on finalising affidavit in support of judgment creditor's memorandum
02.07.12	Reviewing letter and information capsule from Grace Haden; telephone discussion with you regarding the same
03.07.12	Attendance on file for hearing on 3 July 2012
03.07.12	Attendance on sorting District Court proceedings
03.07.12	Preparation and attendance at High Court
03.07.12	E-mail to you and telephone call with you
03.07.12	Attendances with Ben regarding bankruptcy and finalise report.
04.07.12	Attendance on preparing further order for costs; letter to the Court
04.07.12	Attendance on CT search
04.07.12	Attendance on preparing further demand letter against VIL
05.07.12	E-mail to Peter McCutcheon about money being held on trust
05.07.12	Attendance on LTO and Company search regarding property at Wapiti Ave; email to you to update on the Liquidation and District Court proceedings

SCHEDULE OF ATTENDANCES (continued)**GRACE HADEN**

Date	Details
05.07.12	Attendance on advertisement for putting company into liquidation
06.07.12	E-mail from Grace Haden
06.07.12	Reviewing email from Grace Haden and conference with Ben regarding strike out strategy.
06.07.12	Attendance on email to the Herald and the Gazette attaching advertisement putting company into liquidation
09.07.12	Attendance on affidavit of service; letter to the High Court enclosing the same
09.07.12	Attendance on email from the Herald attaching proof; reviewing the same; email to the Herald
09.07.12	E-mail to the Gazette following up on proof
09.07.12	Attendance on email from the Gazette attaching proof; reviewing proof and email to the Gazette to confirm the same
09.07.12	Attendance on demand on VIL; preparing appearance in support for you for hearing on 20 July 2012
10.07.12	Attendance on finalising demand and appearance in support
10.07.12	Reviewing minute of AJ Sargisson; preparing costs order
10.07.12	E-mail from High Court; review minute; email to Peter McCutcheon
11.07.12	Attendance on finalising order for costs; letter to the Court
12.07.12	Attendance on Herald advertisement
13.07.12	Attendance on preparing statement of advertising
16.07.12	Attendance on letter to the Court enclosing statement of advertising
16.07.12	Attendance on appearance in support
16.07.12	Attendance on updating amounts owed to you; updating appearance in support; filing the same with the High Court
18.07.12	Research likelihood of successful strike out application to the District Court, and merit of other claims in proceedings filed by Grace Haden for your information capsule.
20.07.12	Preparation and attendance at High Court
20.07.12	E-mail to you
20.07.12	Telephone call from you
24.07.12	Attendance on preparing order for sealing (liquidation)
24.07.12	Attendance on Official Assignee
25.07.12	Attendances on going through Grace Haden's information capsule/notice of claim for District Court matter to see whether any additional causes of action and finalise research regarding possibility of strike out and deceit.
25.07.12	Attendance on Translegal; attendance on High Court; attendance on memorandum
25.07.12	Attendance on filing memorandum; email to and from Grace Haden; telephone discussion with you
25.07.12	Finalise memo to court, emails to Grace Haden to resolve issues relating to Translegal and payment by Verisure.
26.07.12	Attendance on further memorandum; statement of process server; email to Grace Haden; email to the Court
26.07.12	Attendance on statement on behalf of process server; further memorandum on behalf of substituted plaintiff; attendance on payment; email correspondence with the High Court; email to Grace Haden
27.07.12	Preparation and attendance at High Court
30.07.12	Attendance on email to you regarding hearing on Friday 27 July 2012
30.07.12	Telephone from Translegal Services regarding Haden
31.07.12	Attendance on letter to you
31.07.12	Attendance on preparing statutory demand; calculating amounts up to 31 July 2012

TAX INVOICE

GST No: 53-878-229

Brookfields

LAWYERS

31 August 2012

"D"

AWINZ

c/- Neil Wells
1308 State Highway 3
TE KUITI 3985

Brookfields House
19 Victoria Street West
Auckland, New Zealand
PO Box 240, Auckland 1140
Telephone: +64 9 379 9350
Facsimile: +64 9 379 3224

Bill No: 290964

Our Ref: 600154/David Neutze/Lisa Hughes

GRACE HADEN

	Amount excl GST	GST	Amount incl GST
Our fee for all attendances to date relating to this matter as set out in the attached schedule of attendances	7,926.50	1,188.98	9,115.48

Disbursements and Office Charges

Advertising	524.26		
Filing Fees	194.35		
Other Disbursements	25.00		
Photocopying and Printing	262.66		
Service Fees	220.00		
	<u>\$1,226.27</u>	\$180.20	\$1,406.47

TOTAL FOR THIS ACCOUNT (inclusive of GST)

NZ \$ 10,521.94

Brookfields
LAWYERS

This account is payable on the 20th of the month following the date of this account.

Payment may be made by direct credit to:

A/c No: 03-0104-0017181-00 quoting reference: 600154-290964

Westpac, 79 Queen Street, Auckland, New Zealand. Swift Code: WPACNZ2W

Brookfields

LAWYERS

PO Box 240
Auckland 1140

Please return this portion
to Brookfields.

From: AWINZ

Account No: 290964:LGF:600154

Date: 31 August 2012

Amount: NZ \$ 10,521.94

Paid by: ☐ Cheque (attached)

☐ Direct Credit on (date) _____

Date: 31 August 2012
 Bill No: 290964
 Our Ref: 600154/David Neutze/Lisa Hughes

SCHEDULE OF ATTENDANCES

GRACE HADEN

Date	Details	Solicitor	Hours	\$ Amount
07.08.12	Drafting application to strike out proceedings. Finalise research regarding jurisdiction of the District Court and correct form of application.	NFL	2.8	350.00
07.08.12	Attendance on preparing memorandum in support of our application to strike out	LGH	1.0	260.00
07.08.12	Attendance on preparing affidavit in support of strike out application	LGH	1.0	260.00
08.08.12	Further attendance on affidavit in support of strike out application	LGH	2.0	520.00
09.08.12	Amending and finalise application for strike out.	NFL	0.3	37.50
09.08.12	Attendance on affidavit in support of strike out application and strike out application; sorting exhibits to be annexed to affidavit	LGH	1.5	390.00
09.08.12	Amending application to Court for strike out and discuss with Ben and Lisa.	NFL	0.6	75.00
09.08.12	Reviewing and amending strike out application and affidavit	BXA	0.3	69.00
10.08.12	Attendance on finalising affidavit in support of application to strike out	LGH	1.5	390.00
10.08.12	Attendance on judgment bundle; sorting filing of application, affidavit, memorandum and judgment bundle	LGH	0.5	130.00
10.08.12	Reviewing affidavit	BXA	0.2	46.00
10.08.12	Attendance on reviewing your settlement proposal; drafting letter and forwarding to you for your approval	LGH	0.5	130.00
10.08.12	Reviewing your settlement proposal; finalising settlement letter	DJN	0.2	100.00
13.08.12	E-mail from you regarding settlement offer; finalising letter; email to you regarding the same	LGH	0.3	78.00
13.08.12	Attendance on reviewing email from you regarding settlement offer; finalising settlement offer;	LGH	0.3	78.00
13.08.12	Email from the Court regarding hearing date; email to you to confirm the hearing date for the strike out application	LGH	0.3	78.00
13.08.12	Telephone from you regarding settlement and strike out application	LGH	0.1	26.00
13.08.12	E-mail from Grace Haden; responding to the same	LGH	0.2	52.00
13.08.12	Attendance on service of the strike out application; telephone discussion with you	LGH	0.5	130.00
14.08.12	Attendance on email to and from Grace Haden; telephone from Translegal; email from Translegal	LGH	0.5	130.00
15.08.12	Attendance on you regarding latest email from Grace; reviewing article in Sunday Star Times; forwarding same to you; email to you attaching sealed judgment of Judge Joyce and advising current balance owing in respect of \$7500 plus interest	LGH	0.7	182.00
16.08.12	Attendance on preparing statutory demand	LGH	0.3	78.00
17.08.12	E-mail to you attaching costs order in bankruptcy; finalising statutory demand; forwarding copy to you	LGH	0.5	130.00
17.08.12	Reviewing various emails from Grace	LGH	0.5	130.00
17.08.12	Attendance on statutory demand; instructing Translegal; email to you regarding the same; reviewing various emails from Grace Haden	LGH	1.0	260.00

SCHEDULE OF ATTENDANCES (continued)**GRACE HADEN**

Date	Details	Solicitor	Hours	\$ Amount
20.08.12	Attendance on reviewing emails from Grace Haden in relation to discovery and in response to our statutory demand; drafting response to the same	LGH	2.0	520.00
20.08.12	Attendance on updating pleadings file (DC)	LGH	0.2	52.00
21.08.12	E-mail to you attaching latest correspondence with Grace regarding discovery and the statutory demand	LGH	0.2	52.00
24.08.12	Perusal of documents filed by Grace Haden on 23 August 2012 in order to address in submissions for strike out application.	NFL	0.8	100.00
24.08.12	Reviewing latest pleadings received from Grace Haden; forwarding same to you for your information	LGH	1.0	260.00
24.08.12	E-mail from you regarding Grace's opposition in relation to timeframe; reviewing pleadings file and responding to you on the same	LGH	0.4	104.00
27.08.12	E-mails from you regarding Grace's response to your invoice and our statutory demand; reviewing the same and responding to you	LGH	1.5	390.00
27.08.12	Attendance on email to Court regarding hearing of strike out application	LGH	0.2	52.00
28.08.12	Drafting submissions in support of application for strike out.	NFL	2.9	362.50
29.08.12	Internal conference with Natalie Lord; consider jurisdictional argument and Rowan v Mitchell; internal conference with DJN and LGH about offer made by Grace Haden and prospects of success of strike out application	BXA	0.3	69.00
29.08.12	Drafting submissions for strike out application and further research regarding strike out in the District Court.	NFL	2.6	325.00
29.08.12	Attendance on you regarding offer from Grace Haden; calculating balance owing; email to Grace Haden; attendance on file regarding strike out application	LGH	1.5	390.00
29.08.12	Reviewing emails and conferences with B Atkins and L Hughes.	DJN	0.4	200.00
30.08.12	Internal conferences with Lisa Hughes about responses to Grace Haden and counteroffer to be made	BXA	0.2	46.00
30.08.12	Attendance on emails to and from you regarding settlement; emails to Grace Haden regarding the same	LGH	0.5	130.00
31.08.12	Internal conference with Lisa Hughes about Grace Haden's response to offer; telephone call from Neil Wells to discuss same and terms of counteroffer; telephone call to Grace Haden to explain terms of counteroffer	BXA	0.4	92.00
31.08.12	Amending submissions for strike out application.	NFL	3.3	412.50
31.08.12	Attendance on you and Grace Haden regarding counter offer; drafting settlement letter	LGH	1.0	260.00
Total time and work performed			37.0	\$7,926.50
GST on fee				\$1,188.98
Total Fee (inclusive of GST)			NZ \$	<u>9,115.48</u>

Time Charged

Solicitor	Position	Hours	Rate	\$ Amount
Benjamin Atkins	Solicitor	1.4	\$230.00	322.00
David Neutze	Partner	0.6	\$500.00	300.00
Lisa Hughes	Legal Executive - As	21.7	\$260.00	5,642.00
Natalie Lord	Solicitor	13.3	\$125.00	1,662.50
Total time and work performed		<u>37.0</u>		<u>\$7,926.50</u>
GST on fee				1,188.98
Disbursements and office charges (inclusive of GST)				1,406.46
Total for this account (inclusive of GST)			NZ \$	<u><u>\$10,521.94</u></u>

TAX INVOICE

GST No: 53-878-229

Brookfields

LAWYERS

28 September 2012

"E"

AWINZ

c/- Neil Wells

1308 State Highway 3

TE KUITI 3985

Brookfields House
19 Victoria Street West
Auckland, New Zealand
PO Box 240, Auckland 1140
Telephone: +64 9 379 8350
Facsimile: +64 9 379 3224

Bill No: 292132

Our Ref: 600154/David Neutze/Lisa Hughes

GRACE HADEN

	Amount excl GST	GST	Amount incl GST
Our fee for all attendances to date relating to this matter as set out in the attached schedule of attendances	11,983.50	1,797.53	13,781.03

Disbursements and Office Charges

Couriers	14.30		
Photocopying and Printing	350.00		
Service Fees	220.00		
	<u>\$584.30</u>	\$87.66	\$671.96

TOTAL FOR THIS ACCOUNT (Inclusive of GST)

NZ \$ 14,452.98

Brookfields

LAWYERS

This account is payable on the 20th of the month following the date of this account.

Payment may be made by direct credit to:

A/c No: 03-0104-0017181-00 quoting reference: 600154-292132

Westpac, 79 Queen Street, Auckland, New Zealand. Swift Code: WPACNZ2W

Brookfields

LAWYERS

PO Box 240
Auckland 1140

Please return this portion
to Brookfields.

From: AWINZ

Account No: 292132:LGF:600154

Date: 28 September 2012

Amount: NZ \$ 14,452.98

Paid by: ☐ Cheque (attached)

☐ Direct Credit on (date) _____

Date: 28 September 2012
 Bill No: 292132
 Our Ref: 600154/David Neutze/Lisa Hughes

SCHEDULE OF ATTENDANCES **GRACE HADEN**

Date	Details	Solicitor	Hours	\$ Amount
03.09.12	Amending submissions	BXA	1.5	345.00
03.09.12	E-mails to/from Grace Haden about offers of settlement; telephone call from Neil Wells about same	BXA	0.5	115.00
03.09.12	Amending final draft of submissions.	NFL	2.2	275.00
03.09.12	Reviewing and responding to various emails from Grace Haden regarding settlement offer; reviewing Grace's application to set aside the statutory demand	LGH	1.0	260.00
03.09.12	Attendance on reviewing further emails from Grace; responding to the same; forwarding the same to you	LGH	1.0	260.00
04.09.12	Amending and finalising submissions	BXA	4.5	1,035.00
04.09.12	Amending additional paragraphs in submissions regarding further orders sought from the Court.	NFL	0.4	50.00
04.09.12	Reviewing originating application to set aside statutory demand; reviewing files in relation to previous demands made to include in notice of opposition	LGH	2.5	650.00
04.09.12	Attendance on service letters and letter to the Court enclosing the submissions	LGH	0.3	78.00
04.09.12	Reviewing, amending and finalising submissions on strike out.	DJN	0.8	400.00
05.09.12	Attendance on preparing bundles of relevant documents and authorities in support of our submissions; attendance on filing and serving the same	LGH	2.0	520.00
05.09.12	Attendance on preparing notice of opposition to originating application to set aside statutory demand	LGH	1.5	390.00
05.09.12	Incidental attendances on file - go through judgment bundles and case bundles and highlight references in submissions.	NFL	0.5	62.50
05.09.12	Preparation for hearing. (review authorities and bundles).	DJN	1.8	900.00
06.09.12	Attendance on preparing notice of opposition and affidavit in support; telephone discussions with you regarding strike out hearing; email to you attaching application to set aside statutory demand and supporting affidavit	LGH	3.0	780.00
06.09.12	Preparation for and attendance at strike out hearing.	DJN	3.8	1,900.00
06.09.12	Attendance on bundles and internal conferences with DJN	BXA	0.9	207.00
06.09.12	Reviewing Haden's submissions; attendance on additional copies of cases and rules for court; internal conferences with DJN	BXA	2.0	460.00
10.09.12	Attendance on preparing notice of opposition and supporting affidavit; email to you regarding the same	LGH	4.0	1,040.00
11.09.12	Attendance on affidavit and notice of opposition	BXA	1.0	230.00
11.09.12	Attendance on finalising notice of opposition and affidavit in support; email to you regarding the same	LGH	3.0	780.00
11.09.12	Attendance on finalising your affidavit and compiling exhibits; forwarding affidavit to you, together with our notice of opposition	LGH	1.8	468.00
11.09.12	Finalise notice of opposition and affidavit in support.	DJN	0.6	300.00
12.09.12	Attendance on letters to the Court and to Verisure enclosing the notice of opposition and affidavit in support; telephone discussion with Translegal regarding the same	LGH	0.5	130.00
14.09.12	Preparation and attendance at High Court opposing application to set aside statutory demand	BXA	1.4	322.00

SCHEDULE OF ATTENDANCES (continued)
GRACE HADEN

Date	Details	Solicitor	Hours	\$ Amount
17.09.12	Attendance on you to confirm outcome of Friday's hearing	LGH	0.1	26.00
Total time and work performed			42.6	\$11,983.50
GST on fee				\$1,797.53
Total Fee (Inclusive of GST)			NZ \$	<u>13,781.03</u>

Time Charged

Solicitor	Position	Hours	Rate	\$ Amount
Benjamin Atkins	Solicitor	11.8	\$230.00	2,714.00
David Neutze	Partner	7.0	\$500.00	3,500.00
Lisa Hughes	Legal Executive - As	20.7	\$260.00	5,382.00
Natalie Lord	Solicitor	3.1	\$125.00	387.50
Total time and work performed		42.6		\$11,983.50
GST on fee				1,797.53
Disbursements and office charges (Inclusive of GST)				671.95
Total for this account (Inclusive of GST)			NZ \$	<u>\$14,452.98</u>

"F"

**COSTS SCHEDULE PURSUANT TO DISTRICT COURT RULES
CATEGORY TWO BAND B (\$1,550 PER DAY)**

EVENTS	STEP	DAILY RECOVERY RATE	DAYS	AMOUNT \$
Response by defendants	2	\$1,550	1	1,550.00
Interlocutory application for orders to strike out claim	9.10	\$1,550	.4	620.00
Preparation for hearing of defended interlocutory application	9.12	\$1,550	.5	775.00
Appearance at hearing of defended interlocutory application	9.13	\$1,550	.5	775.00
Sealing order for judgment	9.15	\$1,550	0.2	310.00
Scale Costs Payable				4,030.00
Scale 50% uplift on scale costs				2,015.00
Total Increased Costs				\$6,045.00
DISBURSEMENTS				
Filing fees for interlocutory application to strike out claim				223.50
Service fees on interlocutory application to strike out claim, submissions and defendants' bundles of relevant documents and authorities				379.50
Total Disbursements Payable				\$603.00