

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

**I TE RATONGA AHUMANA TAIMAHI
TĀMAKI MAKAURAU ROHE**

[2025] NZERA 58
3275639

BETWEEN AMANDA PIACUN
Applicant

AND COOPER NO 1 LIMITED
Respondent

AND DEON COOPER
Second Respondent

Member of Authority: Antoinette Baker

Representatives: Maryline Suchley, advocate for the Applicant
Shane Elliot, counsel for the Respondents

Submissions: 31 January 2025; 4 February 2025

Determination: 4 February 2025

COSTS DETERMINATION OF THE AUTHORITY

[1] I issued a determination on 22 January 2025¹ (my determination) and ordered the first respondent (Cooper) to pay the applicant, Ms Piacun, \$18,000.00 in compensation under s 123(1)(c)(i) of the Employment Relations Act 2000 (the Act) based on a finding of unjustified dismissal. Ms Piacun was unsuccessful in her claims to be reimbursed other wage remedies or a past claim relating to leave entitlement. No orders were made against the second respondent, Mr Cooper.

[2] In my determination the parties were asked to come to an agreement relating to costs. They have not been able to do this in relation to costs as they may relate to the naming of the second respondent in these proceedings. They otherwise agree that the Authority's daily tariff of \$4,500.00² should be applied for a one-day investigation meeting. I note that the investigation meeting ended part way through the afternoon.

¹ *Piacun v Cooper No 1 Limited and Anor* [2025] NZERA 32

² <https://www.era.govt.nz/determinations/awarding-costs-remedies/>.

[3] A party should receive a reasonable contribution to costs incurred in achieving a successful result. Costs are discretionary, modest, and are not a mechanism to punish the other party. Some cases may require costs to lie where they fall.³

[4] It is submitted for the ‘respondents’ that I should consider a ‘modest discount’ on the overall costs awarded against the respondents because ‘additional preparation, cost and stress (for Mr Cooper) was incurred as a result of this claim.’ I have nothing before me to support what these specific costs incurred by Mr Cooper (as separate from Cooper) were. I have nothing before me to support what ‘stress’ was suffered by Mr Cooper personally as a result of the claim which was successful in showing the company that he is sole director of unjustifiably dismissed Ms Piacun.

[5] My Directions in the early stages of the investigation⁴ were for Ms Suchley to notify as soon as possible whether the claim against Mr Cooper was to continue given the lack of clarity as to why he was named as second respondent. There is no record that this was done. Correspondence provided in this costs’ application for Ms Piacun shows Ms Suchley thought the claim against Mr Cooper had been withdrawn at the investigation meeting. I have no record of this. On the other hand, the parties did not address anything about Mr Cooper’s liability in the initiating documents nor in evidence or submissions. Mr Cooper did not take part in the proceedings. It is difficult to see what additional costs he may have incurred personally here.

[6] Considering the above, I order that Cooper No 1 Limited is to pay Amanda Piacun \$4,500.00 towards her costs together with the filing fee of \$71.55.

Antoinette Baker
Member of the Employment Relations Authority

³ Employment Relations Act 2000, Schedule 2, clause 15 and *PBO Ltd v Da Cruz* [2005] 1 ERNZ 808, 819-820 and *Fagotti v Acme and Co Limited* [2015] NZEmpC 135 at 106-108.

⁴ Directions of the Authority, 21 May 2024 at [2].