

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH**

**I TE RATONGA AHUMANA TAIMAHI
ŌTAUTAHI ROHE**

[2025] NZERA 792
3064332

BETWEEN MEVLUT AYDOGAN
Applicant

AND HIGHGROVE GROUND ZERO
LIMITED
First Respondent

AND KARDES LIMITED
Second Respondent

AND PAUL RAYMOND MARTIN
Third Respondent

AND PATRICK SIO AH KUOI
Fourth Respondent

AND TUNAHAN VURAL
Fifth Respondent

Member of Authority: David G Beck

Representatives: Nilay Baycar-Aydogan advocate for the Applicant
Geoff Bevan, counsel for the Respondent

Investigation Meeting: On the papers

Submissions Received: 23 October 2025, 13 November 2025 and 17 November 2025
from the Applicant
12 November 2025 from the Respondent

Date of Determination: 8 December 2025

COSTS DETERMINATION OF THE AUTHORITY

Employment relationship problem

[1] Following a two-day investigation meeting held on 23 and 34 June 2025 the Authority held that Mevlut Aydogan was not unjustifiably disadvantaged or unjustifiably dismissed

when his employment with Kardes Limited ended on 16 April 2020 due to medical incapacity. However, the determination found that while in the employ of Highgrove Ground Zero Limited, Mr Aydogan was not paid for all the hours he worked. Paul Martin and Patrick Sio Ah Kuoi as persons involved in the breaches, were ordered to pay wage arrears in the sum of \$43,152.00 in equal shares to Mr Aydogan. In addition, Highgrove Ground Zero Limited was ordered to pay \$6,000.00 to Mr Aydogan for engaging in unfair bargaining for an individual employment agreement.¹

[2] No order was made against Kardes Limited or Tunahan Vural.

The application for costs and response.

[3] Initially, by email of 24 October 2025 then counsel for Mr Aydogan, who was legally aided, provided a brief submission to the Authority indicating that his client was seeking application of the Authority's daily tariff for the two-day investigation meeting (\$8,000). However, on 10 November 2025 counsel advised they were no longer acting for Mr Aydogan and suggested that a further costs submission may come directly from their client.

[4] In the interim, a 12 November submission from the respondents' counsel asserted a significant factor in determining costs, was Mr Aydogan had been unsuccessful in his claims against Kardes Limited and its directors in unmeritorious claims. Counsel noted this would normally, but for Mr Aydogan being legally aided, merit a costs award in favour of Kardes Limited and its directors. While no costs were sought in favour of Kardes and their directors, it was suggested in exercising discretion the Authority should order costs lie where they fall but conceded the directors of Highgrove Ground Zero Limited should be liable for costs, suggesting this be apportioned equally at \$2,000 each (effectively half the daily tariff for two days).

[5] In a further development in an email of 13 November Nilay Baycar-Aydogan now acting for Mr Aydogan, sought an uplift in costs to \$11,000 against Paul Martin and Patrick Ah Kuoi because of their alleged contribution to unnecessarily prolonging litigation over minimum employment standards. On 17 November 2025, Ms Baycar-Aydogan supplied a copy of a letter from the Legal Services Agency to their counsel, evidencing that legal Aid

¹ *Mevlut Aydogan v Highgrove Ground Zero Limited t/a Paasha Turkish Café & Ors* [2025] NZERA 646.

funding totalling \$17,744.75 has been paid to their law firm. Legal aid is a grant, and the Legal Services Agency can recover this grant from Mr Aydogan.

[6] The Authority granted the respondents the opportunity to provide a further submission but on 17 November they confirmed they wished to forgo this opportunity.

Assessment

The Authority's costs approach

[7] The Authority's discretion to award costs is well established and arises from Section 15 of Schedule 2 of the Employment Relations Act 2000.

Costs for Mr Aydogan

[8] A starting point is that costs normally follow the event and as Mr Aydogan was here successful in obtaining compensatory remedies for a breach of employment standards, consequently an award of costs is appropriate.

Applying the daily rate

[9] The Authority's approach is to apply a notional daily rate and only adjust that rate if persuaded that circumstances or other factors require an upward or downward adjustment.² The current daily rate is \$4,500 for the first full day of an investigation meeting and \$3,500 for any days thereafter.

Adjusting the daily rate

[10] Given the issues under dispute involved minimum standards and Mr Aydogan successfully recovered unpaid wages he did not have the timely benefit of, there is a contention that an uplift in costs is appropriate. In weighing that consideration, I must however, also consider that the respondents made offers to settle the unpaid wages elements of Mr Aydogan's claims, and those offers were close to the Authority's remedies and Mr Aydogan was unsuccessful in establishing unjustified disadvantage and unjustified

² For further information about the factors considered in assessing costs see:
www.era.govt.nz/determinations/awarding-costs-remedies/#awarding-and-paying-costs-1

dismissal claims. Nevertheless, evidence showed the financial stress on Mr Aydogan and his family has been considerable.

[11] I find Mr Aydogan has in all the circumstances, established the difference in what he was paid and what should have been paid would have alleviated the hardship he and his family suffered given his relatively low wages and thus overall, has made out grounds for a moderate uplift in costs incurred above the notional daily rate. I fix that amount as an additional \$2,000.

Orders

[12] Highgrove Ground Zero Limited, Paul Raymond Martin and Patrick Sio Ah Kuoi on the basis of being joint and severally liable, are ordered to pay Mevlut Aydogan a contribution to legal costs in the amount of \$10,000 net and to reimburse Mr Aydogan the Authority filing fee of \$71.55, within 28 days of this determination being issued.

David G Beck
Member of the Employment Relations Authority