

IN THE HIGH COURT OF THE COOK ISLANDS
HELD AT RAROTONGA
(CIVIL DIVISION)

PLAINT NO. 30/08

BETWEEN **TELECOM COOK ISLANDS**
LIMITED a duly incorporated
company having its registered
office in Rarotonga
Plaintiff

AND **COOK ISLANDS INVEST-**
MENT CORPORATION a
Statutory corporation
established by the Cook
Islands Investment
Corporation Act 1998
Defendant

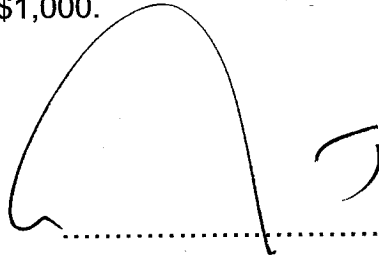
Mrs F Arnold for Plaintiff
Mr L Miles for Defendant
Date: 14 November 2008

JUDGMENT OF WESTON J

1. There is an application before me to fix costs. This follows from a judgment that I delivered on 6 October. Following that judgment the parties were able to settle the litigation with the Defendant paying the amount claimed due to the Plaintiff. Following that settlement, the Plaintiff has asked the Court to fix costs and it seeks costs of \$1615.00. In a real sense I think these are modest costs for undertaking the work on this file.
2. Prior to the hearing today I asked that the Attorney-General be notified by means of the Crown Law office that this application would be heard. However, there has been no appearance today and I assume the Attorney-General has no interest in this costs matter.
3. I indicated to counsel that some award of costs was inevitable and the real issue was one as to quantum. Mr Miles realistically

accepted that. He argued that the extraordinary circumstances in which indemnity costs would usually be awarded were not present here. I agree with him on that. The usual rule of thumb is that two thirds of costs would be awarded. That indicates a figure somewhere around \$1200. In the present case, there has been a settlement short of trial and I think that also needs to be taken into account.

4. In all the circumstances I award a total sum of costs to the Plaintiff payable by the defendant in the sum of \$1,000.

A handwritten signature in black ink, consisting of a large, sweeping arch over a horizontal dotted line, with a small flourish to the right.

Weston J