

PRESENTERS



Toby Braun, Braun Bond & Lomas Ltd, Hamilton

Toby has worked in litigation in firms in Auckland, the United Kingdom and Hamilton since 2000, and spent time working at Barclays Bank, then focusing on regulatory work at the Financial Services Authority (now the Financial Conduct Authority) in London. Since 2013 he has been a director of specialist litigation firm Braun Bond & Lomas, dealing with all types of commercial and civil disputes.



Kevin Glover, Shortland Chambers, Auckland

Kevin was admitted in 2000 and has practised as a barrister from Shortland Chambers since 2009. He has a broad commercial litigation practice and acts on a range of disputes involving insolvency, property, contracts and company disputes, both at trial and appellate level. Kevin has particular expertise in intellectual property disputes.

CONTENTS

1. ENFORCING JUDGMENTS	1
INTRODUCTION	1
2. PART I – JUDGMENTS	3
JUDGMENTS	3
NATURE OF A JUDGMENT AND DIFFERENT TYPES OF JUDGMENTS.....	3
<i>Judgments of the senior courts</i>	4
<i>Judgments of the District Court</i>	5
<i>Types of judgments</i>	6
METHODS OF OBTAINING AND CHALLENGING JUDGMENTS	7
<i>Default judgment and formal proof</i>	7
<i>Judgment by consent or on the basis of admissions</i>	7
<i>Challenging a judgment</i>	8
SEALING JUDGMENT	9
<i>Reason for sealing and its consequences</i>	9
<i>Practicalities</i>	9
COSTS	10
<i>Scale costs</i>	11
<i>Adjustment from scale costs</i>	11
<i>Disbursements</i>	12
<i>Practical tips for costs claims</i>	12
INTEREST	13
<i>Contractual interest and penalties</i>	14
3. PART II – SATISFACTION	15
SATISFACTION OF MONEY JUDGMENTS	15
<i>Cross judgments</i>	15
<i>Counterclaims</i>	16
<i>Entry of satisfaction of a judgment</i>	16
<i>Set-off</i>	17
<i>Conditional payment does not amount to satisfaction</i>	18
4. PART III – ENFORCEMENT	19
ENFORCEMENT GENERALLY	19
APPLICATIONS FOR STAY TO PREVENT ENFORCEMENT	19
<i>Applications for stay</i>	19
<i>Statutory context</i>	20
<i>Application for stay in Environment Court (abatement notices)</i>	20
OTHER LIMITS ON ENFORCEMENT	21
<i>Immediate aftermath</i>	21
<i>Lapse of time</i>	21
<i>District Court proceedings where the counterclaim is transferred to the High Court</i>	24
<i>Identity of the defendant</i>	24
ENFORCEMENT OF NON-MONETARY ORDERS	24
<i>Contempt</i>	24
<i>Specific performance</i>	26
<i>Execution of documents by a nominee</i>	27
<i>Application for possession of property</i>	28
ENFORCEMENT OF ORDERS TO PAY MONEY	28
<i>Bankruptcy application</i>	28
<i>Liquidation application</i>	28
ENFORCEMENT UNDER PART 17 HIGH COURT RULES 2016	29
<i>Enforcement against partners in a firm</i>	29
ORDER FOR EXAMINATION.....	29
CHARGING ORDERS	30
ATTACHMENT ORDERS.....	31
SALE ORDERS/POSSESSION ORDERS.....	31
SEQUESTRATION	32

THE RIGHT TO LODGE A CAVEAT	32
GARNISHEE ORDERS (DISTRICT COURT ONLY).....	32
ENFORCEMENT OF INTERLOCUTORY ORDERS	33
5. APPENDIX A	35
EXAMPLE MEMORANDUM REGARDING COSTS	35
<i>Memorandum of counsel for the appellants regarding costs</i>	35
<i>Schedule A – Costs</i>	36
<i>Schedule B – Disbursements (all figures exclude GST)</i>	37
6. APPENDIX B.....	39
LIQUIDATION PROCESS.....	39
<i>Prior to filing</i>	39
<i>Filing and afterwards</i>	40