

**IN THE DISTRICT COURT
AT WELLINGTON**

**I TE KŌTI-Ā-ROHE
KI TE WHANGANUI-A-TARA**

[2022] NZACC 204

ACR 25/22

UNDER THE ACCIDENT COMPENSATION ACT 2001
IN THE MATTER OF AN APPEAL UNDER SECTION 149 OF THE
ACT
BETWEEN NICOLA FOSTER
Appellant
AND ACCIDENT COMPENSATION CORPORATION
Respondent

Judgment: 1 November 2022

Appearances: Ms Koloni for the Appellant
Mr P McBride for the Respondent

**JUDGMENT OF JUDGE C J McGUIRE
[Dismissing Claim for Costs]**

[1] In this appeal Ms Koloni has claimed costs in respect of what were termed review applications. This appeal therefore did not relate to any issue of entitlement under the Act affecting the Appellant.

[2] The appeal was filed late. However a timetable for progressing it was agreed and signed by Ms Koloni on 20 May 2022 and incorporated in a Judicial Minute dated 24 July 2022.

[3] The Minute directed that “any submissions on behalf of the Appellant are to be filed and served by 30 July 2022”.

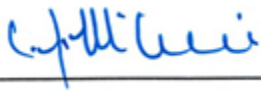
[4] None were received and on 1 August 2022 there was follow up by the Registry.

[5] On 11 August 2022 Ms Koloni stated that she had been unwell and would need a month to catch up.

[6] By Minute of 23 August 2022 I directed that “Appellant’s submissions are to be filed and served by Friday 23 September 2022.” No submissions were filed by that date.

[7] By email dated 28 September 2022 Ms Koloni sought a further month to provide submissions. By email dated 12 October the registrar advised that the registry would grant an extension to file submissions until 23 October.

[8] No submissions have been filed. The length of delay in this case is unacceptable and her appeal relating to costs is dismissed under s 161(3) (b) of the Act.



C.J.McGuire
District Court Judge