

**IN THE SUPREME COURT OF
THE REPUBLIC OF VANUATU**
(Civil Jurisdiction)

Election Petition Case No. 02 of 2012

BETWEEN: LORIN SOLOMON
First Petitioner

AND: MALIU ARSEN
Second Petitioner

AND: TAVUI LANGI LANGI
Third Petitioner

AND: THE ELECTORAL COMMISSION
Respondent

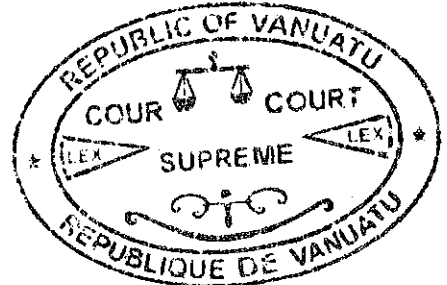
Coram: *Mr. Justice Oliver A. Saksak*

Counsel: *Colin Leo for Petitioners (as Respondents)*
Christine Lahua for First Respondent (as applicants)

Date of Hearing: *15th October 2013*
Date of Judgment: *10th October 2014*

JUDGMENT

1. On 15th May 2013 the Court dismissed the Petitioner's Petition and awarded costs in favour of the First, Second, Third, Seventh and Eighth Respondents.
2. On 9th September 2013 the Third Respondent filed his application for taxation of costs. Mr Leo objected to the application and at the hearing on 26th September 2013 the Court dismissed their application. The Court published its reasons on 1st October 2013.
3. On 26th September 2013 the First Respondent filed their Bill of Costs in the sum of VT 253.500 and sought taxation.
4. On 15th October, 2013 the Bill of Costs was served by Ms Lahua on Mr Jerry Boe who attended as agent for Leo that day. Mr Boe requested 14 days to file and serve objections and Ms Lahua sought 14 days for responses. The Court issued directions accordingly which extended to the filing of written submissions within the same 14 days allowed.
5. It has been some 12 months and Mr Leo had not filed any objections nor any written submissions. That failure and/or omission has resulted in the State not being able to file and serve any responses as directed.



6. Despite there has been no objections and submissions filed by the Petitioners (as respondents to the application) I have taxed the following items on the basis that they are excessive)-
- a) Item 1 on 27/11/12 disallowing 30 minutes and allowing only 15 minutes at VT 2.500.
 - b) Item 3 on 3/12/12 disallowing 5 minutes and allowing only 3 minutes at VT 500.
 - c) Item 5 on 18/12/12 disallowing 5 minutes and allowing only 3 minutes at VT500.
 - d) Item 6 on 19/12/12 disallowing 5 minutes and allowing only 2 minutes at VT 300.
 - e) Item 7 on 19/12/12 disallowing 30 minutes and allowing only 15 minutes at VT 2500.
 - f) Item 8 on 19/12/12 disallowing 20 minutes and allowing only 6 minutes at VT 1000.
 - g) Item 26 on 8/2/12 disallowing 5 minutes and allowing only 2 minutes at VT 300.
 - h) Item 27 on 27/2/12 disallowing 30 minutes and allowing only 15 minutes at VT 2500.
 - i) Item 33 on 2/3/12 disallowing 30 minutes and allowing only 15 minutes at VT 2500.
 - j) Item 34 on 2/3/12 disallowing 20 minutes and allowing only 15 minutes at VT 2500.
 - k) Item 43 on 19/3/12 disallowing 5 minutes and allowing only 3 minutes at VT 500, and
 - l) Items 51 on 10/4/12 disallowing 30 minutes and allowing only 15 minutes at VT 2500.
7. All the other items remain the same. The time spent and the amounts claimed therefore appear to be reasonable and are therefore allowed.
8. In summary the Court has taxed off the sum of VT 18.900 leaving the balance to be VT 234.600. I certify that after taxation the sum of VT 234.600 is the reasonable party/party costs of the Electoral Commission, First Respondent. This sum shall be divided into three parts so that each of the petitioners will have to pay VT 78.200 to the First respondent.
9. I Order that Lorin Solomon, First Petitioner, Maliu Arsen, Second Petitioner and Tavue Langilangi, Third Petitioner be liable to pay the First respondents costs severally in the sum of VT 78.200 each. I further Order that those sums be paid within the next 28 days after the receipt of the judgment.

DATED at Port Vila this 10th day of October 2014
BY THE COURT


OLIVER A. SAKSAK
Judge

