

**IN THE EMPLOYMENT COURT
AUCKLAND**

**[2010] NZEMPC 49
ARC 35/10**

IN THE MATTER OF a challenge to a determination of the
Employment Relations Authority

AND IN THE MATTER OF an application for stay

BETWEEN ASSURED FINANCIAL PEACE
LIMITED and PROSPER WITH US
LIMITED
Plaintiffs

AND BRYCE PAIS
Defendant

Hearing: 5 May 2010
(Heard at Auckland)

Appearances: Ajay Bhatt, Agent for Plaintiffs
Brian Rooney, Counsel for Defendant

Judgment: 5 May 2010

ORAL JUDGMENT OF CHIEF JUDGE GL COLGAN

[1] I make an order staying execution of the Employment Relations Authority's determination between these parties issued on 17 March 2010¹ on condition that the plaintiffs pay to the Registrar of the Employment Court at Auckland, by 4 pm on 31 May 2010, the sum of \$17,000. That money is to be held by the Registrar on interest bearing deposit to be disbursed either by the written agreement of the parties or by order of this Court.

¹ AA124/10.

[2] For the sake of clarity, although the stay is conditional upon payment of that sum, it will operate from now until 31 May 2010 in the expectation that that sum will be paid in, but will continue beyond 31 May only upon payment in.

[3] I reserve leave for either party to apply for any orders affecting that order for stay.

[4] In my minute of 19 April 2010 I had indicated that if a statement of defence had been filed and served by today, we might have been able to set the matter down for a hearing. No statement of defence has yet been filed. However, I am of the clear view that the case would benefit, even significantly, from a judicial settlement conference although that is a voluntary exercise which requires the agreement of both parties. If they agree, a judicial settlement conference is available on Thursday 2 September 2010. If the parties' representatives indicate that they are agreeable to dealing with the matter at a judicial settlement conference, the Registrar will give details of the preparatory steps for that which will follow those outlined on the Court's website².

[5] Also by 31 May 2010, the plaintiff must file and serve an amended statement of claim complying with reg 11 of the Employment Court Regulations 2000. The defendant will have 21 days after being served with a compliant statement of claim within which to file and serve a statement of defence.

[6] I reserve costs.

GL Colgan
Chief Judge

Judgment delivered orally at 4.13 pm on Wednesday 5 May 2010

²<http://www.justice.govt.nz/courts/employment-court/How-cases-come-to-Court>.