

**IN THE EMPLOYMENT COURT  
AUCKLAND**

**[2012] NZEmpC 12  
ARC 81/11**

IN THE MATTER OF proceedings removed from the  
Employment Relations Authority

BETWEEN RICHARD LAWRENCE  
First Plaintiff

AND NICHOLAS FRANKISH  
Second Plaintiff

AND EX CED FOODS (IN LIQUIDATION)  
Defendant

Hearing: 1 February 2012

Counsel: Phillipa Muir, counsel for first plaintiff  
Don McKinnon, counsel for second plaintiff  
Philip Skelton, counsel for defendant

Judgment: 2 February 2012

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**CONSENT ORDER OF JUDGE A A COUCH**

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[1] The parties have agreed on the following provisions to resolve all matters at issue in this proceeding.

[2] Ex Ced Foods (in liquidation) is substituted as defendant in place of Ian Lock and John Sheahan as defendants.

[3] The defendant shall pay the first plaintiff:

- a) The sum of \$175,000 (one hundred and seventy five thousand dollars) (subject to PAYE tax) as redundancy compensation and payment in lieu of notice.

- b) The sum of \$15,000 (fifteen thousand dollars) under s 123(1)(c)(i) of the Employment Relations Act 2000.
- c) The sum of \$30,000 (thirty thousand dollars) as a contribution to his costs.

[4] The defendant shall pay the second plaintiff:

- a) The sum of \$90,000 (ninety thousand dollars) (subject to PAYE tax) as redundancy compensation and payment in lieu of notice.
- b) The sum of \$15,000 (fifteen thousand dollars) under s 123(1)(c)(i) of the Employment Relations Act 2000.
- c) The sum of \$25,000 (twenty five thousand dollars) as a contribution to his costs.

[5] The parties will jointly seek an order by consent in the High Court proceedings (CIV 2011 404 4002) modifying to the extent necessary to give effect to the orders made in this decision the liquidators' decision to reject, in part, the unsecured creditor's claims of the plaintiffs in the liquidation of Ex Ced Foods.

[6] The liquidators of Ex Ced Foods will pay the first plaintiff the sum of \$30,000 (thirty thousand dollars) as a contribution to his costs in the High Court proceedings. That payment shall be in substitution for and in satisfaction of the prior costs order made by Peters J in the High Court.

AA Couch  
Judge

Signed at 1.00pm on 2 February 2012