

**IN THE EMPLOYMENT COURT
AUCKLAND**

**[2012] NZEmpC 132
ARC 94/11**

IN THE MATTER OF an application for stay of execution

BETWEEN MARK ALLEN
 Plaintiff

AND C3 LIMITED
 Defendant

Hearing: On the papers filed on 3 August 2012

Counsel: Bill Nabney, counsel for plaintiff
 Michael Sharp, counsel for defendant

Judgment: 3 August 2012

CONSENT JUDGMENT OF JUDGE CHRISTINA INGLIS

[1] The defendant has filed a notice of application for stay of execution of a judgment delivered on 31 July 2012,¹ pending determination of the defendant's application for leave to appeal to the Court of Appeal.

[2] The plaintiff consents to the application.

[3] I am satisfied, based on the material filed in support of the application, that a stay is appropriate.

[4] The application is accordingly granted, by consent, on the following terms:

¹ [2012] NZEmpC 124.

- (a) That execution of the judgment delivered on 31 July 2012 be stayed pending determination of the defendant's appeal of that judgment to the Court of Appeal; and
- (b) That the above order be subject to:
 - (i) payment by the defendant to the Registrar of the Employment Court at Auckland of the judgment sum now payable to the plaintiff, namely three month's lost remuneration, and that the judgment sum will be held in an interest-bearing account;
 - (ii) reinstatement of the plaintiff to the defendant's payroll but the plaintiff is to be on garden leave and not required to attend the defendant's work premises or undertake any work for the defendant, pending determination of the appeal in the Court of Appeal.

[5] The defendant has undertaken to file and pursue the appeal in a diligent and timely manner.

Christina Inglis
Judge

Judgment signed at 5pm on 3 August 2012