

**IN THE EMPLOYMENT COURT
AUCKLAND**

**[2012] NZEmpC 78
ARC 101/11**

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

AND IN THE MATTER OF an application for costs

BETWEEN TRUDY BUTTERWORTH
Plaintiff

AND TBA COMMUNICATIONS LIMITED
Defendant

Hearing: By memorandum of submissions filed on 24 April 2012
11 May 2012 by telephone conference call
(Heard at Auckland)

Appearances: Mark Ryan, counsel for plaintiff
Gretchen Stone, counsel for defendant

Judgment: 11 May 2012

**INTERLOCUTORY JUDGMENT OF JUDGE CHRISTINA INGLIS
IN RELATION TO APPLICATION TO EXTEND TIME**

[1] A judgment was delivered on 17 February 2012¹ dismissing a challenge brought by the plaintiff against a determination of the Employment Relations Authority.² A timetable was set for filing submissions as to costs. The defendant was to file and serve any submissions within 60 days of the date of the judgment.

[2] On 23 April 2012, counsel for the defendant filed a memorandum and application for leave to extend the timeframe. Counsel for the plaintiff was provided

¹ [2012] NZEmpC 24.

² [2011] NZERA Auckland 540.

with an opportunity to be heard in relation to the application on 24 April 2012. The timeframe for notifying any opposition was 10 working days.

[3] Somewhat ironically, counsel for the plaintiff responded with a request for an extension of time to file a response to the defendant's application.

[4] A telephone conference was convened today and I heard further from counsel.

[5] Following discussions, Mr Ryan advised that the extension of time for filing the defendant's memorandum was not opposed and it was granted by consent. The following agreed timetabling orders were:

- (a) Counsel for the defendant is to file and serve a memorandum as to costs within five working days.
- (b) Counsel for the plaintiff is to file and serve any memorandum in reply within a further 15 working days.

Christina Inglis
Judge

Judgment signed at 2 pm on Friday 11 May 2012