

**IN THE EMPLOYMENT COURT
CHRISTCHURCH REGISTRY**

**[2013] NZEmpC 217
CRC 2/13**

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

BETWEEN TURNERS AND GROWERS LIMITED
 Plaintiff

AND JILL THELMA LAMBERT as executor of
 the estate of ROBERT GRAHAM
 Defendant

Hearing: on the papers - memoranda received 13 February, 20 August,
 13 September and 25 November 2013.

Appearances: Penny Swarbrick, counsel for the plaintiff
 David Beck, counsel for the defendant

Judgment: 26 November 2013

CONSENT JUDGMENT OF JUDGE A A COUCH

[1] Mr Graham was employed by the plaintiff in its Christchurch store. On 1 March 2012, he was dismissed. He pursued a personal grievance which was investigated by the Employment Relations Authority. The Authority determined that he had been unjustifiably dismissed and awarded him various remedies.¹ The plaintiff has challenged the whole of that determination.

[2] Between the Authority's investigation meeting and the delivery of its determination, Mr Graham died.

[3] The parties have settled all of the issues between them by agreement. The terms of settlement are confidential to the parties but include a joint request to the Court to set aside the Authority's determination. I have discussed the reasons for

¹ [2012] NZERA Christchurch 287.

that request with counsel and am satisfied that it is proper in all the circumstances of this case.

[4] The determination of the Authority is set aside. The effect of this order is that all findings of fact made and opinions expressed by the Authority in its determination should be disregarded.

[5] There will be no order as to costs.

AA Couch
Judge

Signed at 1.00 pm on 26 November 2013.