

**IN THE EMPLOYMENT COURT
AUCKLAND**

**[2013] NZEmpC 230
ARC 89/13**

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

BETWEEN TEXTILE BONDING LIMITED
 Plaintiff

AND JOHN ROBERT JONES
 Defendant

Hearing: By memorandum filed on 3 December 2013

Appearances: SL Maxfield, counsel for plaintiff
 SC Dench, counsel for defendant

Judgment: 5 December 2013

INTERLOCUTORY JUDGMENT OF CHIEF JUDGE G L COLGAN

[1] The plaintiff has filed a challenge by hearing de novo to the determination of the Employment Relations Authority.¹ That determination, in Mr Jones's favour, required Textile Bonding Limited to pay him a not insignificant sum of money.

[2] By consent, the parties have asked the Court to make orders for stay of execution of the Authority's determination on conditions.

[3] There will be an order staying execution of the determination of the Employment Relations Authority in this matter on the following conditions:

- (a) The plaintiff is to pay the sum of \$121,563 to the Registrar of the Employment Court at Auckland within seven days of Friday 29 November 2013, such sum to be held on interest bearing deposit pending the outcome of the plaintiff's challenge.

¹ *Jones v Textile Bonding Limited* [2013] NZERA Auckland 471.

- (b) The balance in that account will be released to either the plaintiff or the defendant in accordance with the judgment of the Employment Court or otherwise by consent of both parties. If it is paid out to the defendant, that will be less any PAYE source deduction which the plaintiff is required to make and the amount of which the plaintiff will advise the Registrar.
- (c) The plaintiff is to pursue its challenge diligently.
- (d) If the payment out of the sums held by the Registrar is to be pursuant to a judgment of the Court, this will be deferred for 15 working days after delivery of the Court's judgment to allow the issue of a continuing stay to be considered in the event that either party may seek to appeal the judgment of the Court.

GL Colgan
Chief Judge

Judgment signed at 3.15 pm on Thursday 5 December 2013