

**IN THE EMPLOYMENT COURT
WELLINGTON**

**[2013] NZEmpC 43
WRC 8/09
WRC 19/05
WRC 17/04**

IN THE MATTER OF an application for orders

BETWEEN LYNNE FRANCES SNOWDON
 Plaintiff

AND RADIO NEW ZEALAND LIMITED
 Defendant

Hearing: (by way of telephone directions conference held on 21 March 2013)
 (Heard at Wellington)

Counsel: Mr Carruthers QC and Mr Fletcher, counsel for the plaintiff
 Mr Quigg, counsel for the defendant

Judgment: 21 March 2013

INTERLOCUTORY JUDGMENT OF JUDGE A D FORD

[1] The plaintiff has three sets of proceedings before this Court which have been set down for a six-week hearing commencing on Tuesday, 4 June 2013. They are referred to in recent documentation as:

1. “Disadvantage grievance”: WRC 17/04; and
2. “Unjustified dismissal”: WRC 19/05; and
3. “Fraud proceedings”: WRC 8/2009.

In addition, application was made on 20 March 2013 for joinder of another proceeding: WRC 16/11, in which the plaintiff claims payment of accrued leave and penalties.

[2] At an interlocutory hearing on 28 February 2013, I dealt with a number of matters requiring attention in the lead up to the fixture and on 1 March 2013 I issued an order to the parties incorporating the various directions and orders I had made.

[3] One of those orders was in the following terms:

- v) The plaintiff is to pay into Court the sum of \$200,000 as security for the defendant's costs or provide to the defendant and the Court a bond from a bank, in a form reasonably acceptable to the defendant by **4.00 pm on Wednesday, 3 April 2013**. (Counsel to note the change of date from 1 April, which is Easter Monday). **UNLESS THIS ORDER IS STRICTLY COMPLIED WITH, EACH OF THE PROCEEDINGS BEFORE THE COURT WILL BE STRUCK OUT.**

[4] That order followed on from earlier orders made by Judge Travis in relation to security for costs, in particular the following order contained in a minute dated 21 December 2012:

Security for costs

16. I confirm the order I made on 29 July 2011, but extend the date for compliance as follows:

- a) I order that the plaintiff pay the sum of \$200,000 into Court as security for the defendant's costs to be held in an interest bearing account, or alternatively, provide to the defendant and the Court a bond from either a bank or insurance company, in a form reasonably acceptable to the defendant.
- b) The payment is to be made, or the bond provided, by **4pm on Friday 22 February 2013**. If there is any issue as to the acceptability of the bond that will be determined by the trial Judge at the hearing on 28 February 2013.

[5] On 12 March 2013, the plaintiff filed in the Court of Appeal an application for leave to appeal the security for costs order referred to in [3] above. The leave application was accompanied by an application for a stay of the order in question pending the hearing of the appeal by the Court of Appeal. In an accompanying letter a request was made for the application for leave to be heard urgently.

[6] At the directions conference this morning, counsel were able to confirm that the Court of Appeal has scheduled a hearing for the leave application on Monday, 8 April 2013. In the meantime, the plaintiff has filed in this Court an application for a stay of my order of 1 March 2013 pending a decision of the Court of Appeal on the

leave and stay applications to be considered on 8 April 2013. The application is not opposed.

[7] In the circumstances, the security for costs order dated 1 March 2013 is stayed until further order of this Court which, in turn, will depend upon the outcome of the application for leave and the stay application presently pending in the Court of Appeal.

[8] Costs are reserved.

A D Ford
Judge

Judgment signed at 2.30 pm on 21 March 2013