

**IN THE EMPLOYMENT COURT
AUCKLAND**

**[2013] NZEmpC 16
ARC 6/13**

IN THE MATTER OF an application for stay of execution

BETWEEN DETECTION SERVICES LIMITED
 Plaintiff

AND CHRISTOPHER LORRAINE
 PICKERING
 Defendant

Hearing: Following a telephone conference call and joint memorandum filed on
 19 February 2013
 (Heard at Auckland)

Counsel: Simon Dench, counsel for plaintiff
 Stephen Langton, counsel for defendant

Judgment: 20 February 2013

INTERLOCUTORY JUDGMENT OF JUDGE CHRISTINA INGLIS

[1] The plaintiff has filed a challenge to a costs determination of the Employment Relations Authority (the Authority) dated 29 January 2013.¹ The plaintiff is also, in related proceedings, challenging the substantive determination of the Authority.²

[2] The plaintiff has applied for a stay of the costs determination and was combined with an application for urgency.

[3] A telephone conference was convened with counsel yesterday to discuss various aspects relating to the plaintiff's application and how it might best be progressed. The parties seek the following orders which are made by consent:

¹ [2013] NZERA Auckland 28.

² [2012] NZERA Auckland 260.

1. Pending determination of the plaintiff's application dated 14 February 2013 for a stay of execution in relation to costs, or further order of the Court, execution of the Employment Relations Authority's costs determination dated 29 January 2013 in case numbers 5350102 and 5353837 is stayed on the following condition:

By no later than Wednesday, 20 February 2013, the plaintiff pays the sum of \$92,511 (being the sum of \$92,408 plus accrued interest at 5 percent per annum from 29 January 2013 to 20 February 2013) into either:

- (a) the trust account of Wynyard Wood on terms agreed by the parties that are acceptable to Wynyard Wood; or
 - (b) the Registrar of the Employment Court, to be held by the Registrar in an interest-bearing account and to be paid to the party entitled thereto according to the judgment of the Employment Court.
3. Leave is reserved for either party to apply for further orders in respect of the interim stay of execution in relation to costs.
4. Costs are reserved.

Christina Inglis
Judge

Judgment signed at 12 noon on 20 February 2013