



- a. The parties are agreed that the matter would be appropriate for a judicial settlement conference and accordingly request that a settlement conference be convened as soon as practicable.
- b. Pending an outcome to the plaintiff's challenge, the plaintiff will pay the amounts awarded to the defendant (excluding costs) and such amounts will be placed on trust by the plaintiff's counsel.
- c. The parties seek that the time for the defendant to file a statement of defence be extended to a date 14 days after the Judicial settlement Conference.

[3] On 4 February 2014, Mr Beck filed a memorandum saying that the defendant had withdrawn his instructions and would be acting in person. Mr Beck supplied an address for the defendant in Blenheim.

[4] On 7 February 2014, the defendant sent an email to a Court registry officer saying that any agreement made between Mr Beck and Mr Bell was made without his knowledge and approval and that he had applied for a distress warrant to enforce the orders made by the Authority.

[5] On 10 February 2014, Mr Bell filed an application by the plaintiff for a stay of proceedings although that was not accompanied by any affidavits or other evidence verifying the basis on which it was sought.

[6] The Court has since received an email from a collections manager at the District Court saying that the distress warrant will be executed without further delay and that a bailiff has identified assets of the plaintiff which may be seized.

[7] In all the circumstances, I am satisfied that the plaintiff has acted appropriately and should have an opportunity to properly pursue its application for a stay. As the defendant has resiled from the agreement made on his behalf by Mr Beck, it is also appropriate that he now file a statement of defence if he wishes to defend the substantive proceeding. I make the following orders:

- (a) Execution of the orders made by the Employment Relations Authority in its determination [2013] NZERA Christchurch 194 is stayed until further order of the Court.

- (b) The plaintiff is to file and serve any affidavits relied on in support of its application for stay by 4 pm on Thursday 20 February 2014.
- (c) The plaintiff is to verify by affidavit or memorandum of counsel that the solicitors for the plaintiff hold money sufficient to satisfy the orders made by the Authority in trust in the joint names of the parties pending final resolution of this matter.
- (d) The defendant is to file and serve any affidavits in response to the application for stay by 4 pm on Thursday 6 March 2014.
- (e) If the defendant wishes to defend the substantive proceeding now before the Court, he must file and serve a statement of defence no later than Thursday 13 March 2014.

[8] Costs are reserved.

Signed at 10.00 am on 13 February 2014.

A A Couch  
Judge