

**IN THE EMPLOYMENT COURT  
AUCKLAND**

**[2014] NZEmpC 36  
ARC 27/13**

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

BETWEEN                      HARRISONS FINE ART LIMITED  
   Plaintiff

AND                                GAYE CASSIE CARROTHERS  
   Defendant

Hearing:                      By written advice filed on 3 March 2014

Appearances:                A Stuart, counsel for plaintiff  
   M B Beech, counsel for defendant

Judgment:                    5 March 2014

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**JUDGMENT OF CHIEF JUDGE G L COLGAN**

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[1] By interlocutory judgment delivered on 21 October 2013,<sup>1</sup> the Court stayed the plaintiff's challenge unless, within 10 working days of that date, the plaintiff provided security for costs to the satisfaction of the Registrar.

[2] Security was not so provided. On 5 November 2013 the scheduled fixture for 14-15 November 2013 was vacated. By a further minute issued on 31 January 2014, following advice from counsel for the plaintiff that it would not provide security for costs, I directed that unless the plaintiff was able to persuade the Court, by the end of February 2014, that its challenge should not be dismissed for want of prosecution, this would be the likely outcome, subject to any applications for costs on the challenge.

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<sup>1</sup> [2013] NZEmpC 195.

[3] The plaintiff's solicitor has again confirmed that he has no instructions to make submissions and has reiterated that there is no prospect of security for costs being given. Counsel advised the Court that there is no possibility of the plaintiff continuing with the proceedings.

[4] In these circumstances, I am satisfied that it is just to dismiss the plaintiff's challenge, subject to any claim for costs by the defendant which, if it is to be considered, must be made on notice and within one month of the date of this judgment.

GL Colgan  
Chief Judge

Judgment signed at 2.30 pm on Wednesday 5 March 2014