

**IN THE EMPLOYMENT COURT OF NEW ZEALAND  
AUCKLAND**

**I TE KŌTI TAKE MAHI O AOTEAROA  
TĀMAKI MAKĀURAU**

**[2022] NZEmpC 214  
EMPC 216/2022**

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

BETWEEN NIANHUAI YU  
First Plaintiff

AND YULAN LUO  
Second Plaintiff

AND JOE AND ZHOU LIMITED  
First Defendant

AND YANSHAN ZHOU  
Second Defendant

AND GEE LON JOE  
Third Defendant

**EMPC 320/2022**

AND IN THE MATTER OF an application for leave to extend time to  
file a challenge to a determination of the  
Employment Relations Authority

BETWEEN JOE AND ZHOU LIMITED  
First Plaintiff

AND YASHAN ZHOU  
Second Plaintiff

AND GEE LON JOE  
Third Plaintiff

AND NIANHUAI YU  
First Defendant

AND YULAN LUO  
Second Defendant

Hearing: On the papers

Appearances: D Kim, advocate for Nianhuai Yu and Yulan Luo  
P Zheng, counsel for Joe and Zhou Ltd, Yanshan Zhou and Gee  
Lon Joe

Judgment: 29 November 2022

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**CONSENT JUDGMENT OF JUDGE K G SMITH**

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[1] These proceedings are a challenge to a substantive determination and an application to extend time to file a challenge.<sup>1</sup>

[2] By joint memorandum the parties have informed the Court that they have reached agreement on how these proceedings should be resolved and have sought orders by consent.

[3] By consent I order that:

- (a) the determination is set aside and this judgment stands in its place; and
- (b) the proceedings are discontinued with no issue as to costs.

K G Smith  
Judge

Judgment signed at 3.15 pm on 29 November 2022

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<sup>1</sup> *Yu v Joe and Zhou Ltd* [2022] NZERA 248 (Member Fuiava).