

**IN THE EMPLOYMENT COURT  
AUCKLAND**

**AC 34/09  
ARC 78/09**

IN THE MATTER OF an application seeking injunction to prevent  
illegal lockouts

BETWEEN NEW ZEALAND DAIRY WORKERS'  
UNION  
Plaintiff

AND OPEN COUNTRY CHEESE COMPANY  
LIMITED  
Defendant

Hearing: 25 September 2009  
(Heard at Auckland)

Appearances: Simon Mitchell and Peter Cranney, Counsel for Plaintiff  
Graeme Malone, Counsel for Defendant

Judgment: 25 September 2009

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**ORAL JUDGMENT OF JUDGE BS TRAVIS**

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[1] I am satisfied, for reasons that I will give in writing as soon as I am able, that the lockout which commenced at 6 pm on Thursday 24 September 2009 is unlawful.

[2] The plaintiff is therefore entitled to the injunctive relief it has sought.

[3] An injunction will issue restraining the defendant from locking out employees pursuant to its notice of 9 September 2009 or any other lockout notice intended to compel members of the plaintiff to accept individual terms of employment.

[4] Costs are reserved.

[5] I note that this is the final relief and not interim relief and there is therefore no need to make the injunction conditional on any undertaking as to damages which would be required from a plaintiff seeking an interim injunction.

BS Travis  
Judge

Judgment delivered orally at 5.05 pm on Friday 25 September 2009