

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

**I TE KŌTI TAKE MAHI O AOTEAROA
ŌTAUHAHI**

**[2020] NZEmpC 152
EMPC 221/2020**

IN THE MATTER OF	an application for an urgent search order without notice
AND IN THE MATTER	of an application to further vary search order
BETWEEN	MATAURA VALLEY MILK LIMITED Applicant
AND	GRAHAM SCOTT Respondent

Hearing: On the papers

Appearances: J Smith QC and B Scotland, counsel for applicant
G Drewitt, counsel for respondent

Judgment: 25 September 2020

**INTERLOCUTORY (NO 2) JUDGMENT OF JUDGE K G SMITH
(Application to further vary search order)**

[1] Mataura Valley Milk Ltd has applied to vary the search orders made on 2 September 2020 to permit the inspection of emails, and attachments, found in Graham Scott's Yahoo email account.¹

[2] In summary terms, the application seeks to vary the existing orders by authorising the independent computer expert, Campbell McKenzie, to inspect the emails and attachments in the Yahoo account and, from that work, to produce a schedule which he and Mataura's Chief Executive, Bernard May, are to be permitted

¹ *Mataura Valley Milk Ltd v Scott* [2020] NZEmpC 140.

to review. The purpose of that review is, according to the application, to identify whether Mataura's confidential information has been incorporated into the emails or attachments in the account.

[3] Four conditions are proposed as part of the application as follows:

- (a) The inspected files are not to be copied (in whole or in part).
- (b) The files are only to be inspected at the office of Wynn Williams and, at all times, that inspection is to be supervised by Mr Campbell, the independent solicitor.
- (c) Any notes made by Mr May to assist him during the inspection are not to be removed from the office of Wyn Williams and are to be retained by the independent solicitor.
- (d) There is to be no disclosure of the content of information inspected by Mr May to any person (with the exception of counsel) unless first authorised by the Court.

[4] The application was supported by a joint memorandum of counsel conveying Mr Scott's consent to it including the conditions.

[5] I am satisfied that a variation to the search order is appropriate. The application is granted and the search order is further varied to permit the inspection of emails and attachments in Mr Scott's Yahoo email account subject to the conditions in paragraph [3] of this decision.

[6] Leave is reserved to apply for any necessary further orders.

[7] Costs are reserved.

K G Smith
Judge

Judgment signed at 2 pm on 25 September 2020