

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

**I TE KŌTI TAKE MAHI O AOTEAROA
TE WHANGANUI-A-TARA**

**[2020] NZEmpC 220
EMPC 319/2020**

IN THE MATTER OF	a challenge to a determination of the Employment Relations Authority
BETWEEN	HAIG DAVID CHARLES FLASHOFF First Plaintiff
AND	DONALD PETER PRICE Second Plaintiff
AND	RAYMOND REGINALD TAYLOR Third Plaintiff
AND	SEAN GLASSPOOL Fourth Plaintiff
AND	ENGAGE TECHNOLOGY LIMITED Fifth Plaintiff
AND	NEW ZEALAND TECHNOLOGY GROUP HAWKES BAY LIMITED Defendant

EMPC 320/2020

IN THE MATTER OF	an application for discharge of freezing order
BETWEEN	NEW ZEALAND TECHNOLOGY GROUP HAWKES BAY LIMITED Plaintiff
AND	HAIG DAVID CAHRLES FLASHOFF First Respondent
AND	DONALD PETER PRICE Second Respondent
AND	RAYMOND REGINALD TAYLOR Third Respondent

AND

SEAN GLASSPOOL
Fourth Respondent

AND

ENGAGE TECHNOLOGY LIMITED
Fifth Respondent

Hearing: 1 December 2020
(heard at Wellington)

Appearances: M Hammond and K McLuskie, counsel for New Zealand
Technology Group Hawkes Bay Limited
S Bisley, N Cuervo and J Maltby, counsel for H Flashoff, D Price,
R Taylor and Engage Technology Limited

Judgment: 7 December 2020

JUDGMENT OF JUDGE B A CORKILL

[1] On 1 December 2020 I received detailed submissions concerning a challenge bought by the respondents to an order of interim injunction made by the Employment Relations Authority; and as to an application for discharge of an existing freezing order.

[2] Following the hearing, I provided a brief opportunity to the parties to discuss whether the issues between them could be dealt with in whole or in part by the provision of undertakings.¹

[3] To facilitate that opportunity, I extended the freezing order until noon today, asking counsel to file a joint memorandum by 5pm on Friday 4 December 2020 as to the result of their discussions. I said I would then issue a short judgment indicating my conclusions, and that reasons for judgment would follow as soon as possible thereafter.

¹ As explained in *New Zealand Technology Group Hawkes Bay Limited v Flashoff & Ors* [2020] NZEmpC 213.

[4] Memoranda were duly filed last Friday indicating that agreement had not been reached as to possible undertakings.

[5] Accordingly, the parties are advised that the challenge in respect of the injunction made by the Authority is allowed, and its determination is set aside.²

[6] The application to discharge the freezing order of the Court succeeds; the existing order will lapse at 12 noon today.

[7] My reasons for judgment will be issued as soon as possible this week.

B A Corkill
Judge

Judgment signed at 10.45 am on 7 December 2020

² *NZ Technology Group Hawkes Limited v Flashoff* [2020] NZERA 388 (Member O’Sullivan).