

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

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

**[2022] NZEmpC 105  
EMPC 87/2022**

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

AND IN THE MATTER OF an application for a stay of execution

BETWEEN MENDE BIOTECH LIMITED  
Plaintiff

AND DOUGLAS ANTHONY MENDE  
Defendant

Hearing: On the papers

Appearances: M Osmond, advocate for plaintiff  
J Parker, counsel for defendant

Judgment: 20 June 2022

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**CONSENT INTERLOCUTORY JUDGMENT OF JUDGE K G SMITH  
(Application for a stay of execution)**

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[1] On 21 February 2022 the Employment Relations Authority ordered Mende Biotech Ltd to pay outstanding wages and holiday pay to Douglas Mende.<sup>1</sup>

[2] Mende Biotech has challenged that determination.

[3] By consent the parties have asked the Court to make orders staying execution of the Authority's determination on the basis that the amount of \$35,228.11 is paid to the Registrar of this Court pending the outcome of the challenge.

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<sup>1</sup> *Mende v Mende Biotech Ltd* [2022] NZERA 46 (Member Loftus).

[4] I am satisfied it is appropriate for an order to be made. There will be an order staying execution of the determination of the Authority on the following conditions:

- (a) The plaintiff is to pay \$35,228.11 to the Registrar of the Court within 7 days of the date of this judgment.
- (b) The amount referred to in (a) is to be held by the Registrar in an interest-bearing account pending further order of the Court or agreement in writing by the parties.
- (c) Leave is reserved to apply to amend or vary the order.

K G Smith  
Judge

Judgment signed at 10.15 am on 20 June 2022