

**ORDER PROHIBITING PUBLICATION OF NAME AND IDENTIFYING
DETAILS OF BOTH PARTIES**

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

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

**[2023] NZEmpC 124
EMPC 261/2023**

IN THE MATTER OF an application for a freezing order and
ancillary order

AND IN THE MATTER OF an application to adjourn the hearing

AND IN THE MATTER OF an application to continue and renew
orders

BETWEEN DOWNER NEW ZEALAND LIMITED
Applicant

AND JOSEPH KING
Respondent

Hearing: 10 August 2023
(Heard at Christchurch by Telephone)

Appearances: B Keown, counsel for applicant
K Dunn and M Lister, counsel for respondent

Judgment: 11 August 2023

**JUDGMENT (NO 2) OF JUDGE K G SMITH
(Application to adjourn and continue and renew orders)**

[1] On 2 August 2023 the applicant successfully applied without notice for freezing orders and ancillary orders relating to the assets of the respondent.

[2] The orders were subject to several conditions including that:

- (a) They would have no effect after 5 pm on Friday 11 August 2023 unless on that date they are continued or renewed.
- (b) There would be a non-publication order in effect until 5 pm on Friday 11 August 2023 unless it was continued.
- (c) That the applications and orders were to be reviewed at a hearing to be conducted at 9.30 am on Friday 11 August 2023.

[3] The reasons for the application succeeding, and the orders being granted, were provided in a judgment issued on 3 August 2023.¹

[4] On 10 August 2023, the parties applied urgently, and by joint memorandum, to adjourn the hearing scheduled for 11 August 2023. The request was made subject to the continuation of the orders made on 2 August 2023.

[5] After hearing from counsel, I granted the application to adjourn the hearing and made the following orders:

- (a) The freezing orders and ancillary orders granted on 2 August 2023 are continued or renewed but will have no effect after **5 pm on Thursday 17 August 2023** unless on that date they are continued or renewed.
- (b) The non-publication order made on 2 August 2023 remains in effect until **5 pm on Thursday 17 August 2023** unless on that date it is continued.
- (c) The applications and orders will be reviewed by the Court at **11 am on Thursday 17 August 2023**. The hearing will be by audio visual link.
- (d) In all other respects the orders made on 2 August 2023 remain in place.

¹ *Downer New Zealand Ltd v King* [2023] NZEmpC 117.

[6] Costs are reserved.

K G Smith
Judge

Judgment signed at 10.20 am on 11 August 2023