

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

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

**[2023] NZEmpC 130
EMPC 35/2023**

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 proceedings

AND IN THE MATTER OF an application for security for costs

BETWEEN KENNETH SNOWLING
Plaintiff

AND SCOTT TECHNOLOGY LIMITED
Defendant

EMPC 227/2023

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

BETWEEN SCOTT TECHNOLOGY LIMITED
Plaintiff

AND KENNETH SNOWLING
Defendant

Hearing: On the papers

Appearances: G Drewitt, counsel for plaintiff
J Farrow and J Cowan, counsel for defendant

Judgment: 16 August 2023

**CONSENT INTERLOCUTORY JUDGMENT OF JUDGE K G SMITH
(Applications for a stay of proceedings and security for costs)**

[1] There are two matters before the Court; an application by Scott Technology Ltd for security for costs to be ordered against Kenneth Snowling and to review the application for the stay that was granted on 26 July 2023.¹

[2] Counsel have filed a joint memorandum seeking from the Court orders by consent to dispose of both applications and relating to further mediation.

[3] The parties requested they be directed to mediation pursuant to ss 188(2)(b)–(c) of the Employment Relations Act 2000. That application is granted.

[4] As to the application for security for costs, the parties have agreed on the amount of the security to be provided and that an order can be made. Accordingly, by consent, I order Mr Snowling to pay to the Registrar of this Court the amount of \$8,000 as security for costs subject to the following conditions:

- (a) Payment is to be made no later than **4 pm on 17 August 2023**.
- (b) The Registrar is to hold the sum in (a) in an interest-bearing account pending further order of the Court.

[5] As to the stay, which was granted subject to a condition that it would be reviewed, the parties have agreed that the order should be extended until the conclusion of the mediation referred to in para [3] above. By consent, I order that the stay granted on 26 July 2023 is extended and that it will lapse at the conclusion of the mediation the parties have been directed to attend.

[6] Leave is reserved to the parties to apply to vary or amend the orders made in this decision.

[7] Costs are reserved.

K G Smith
Judge

Judgment signed at 4.20 pm on 16 August 2023

¹ *Snowling v Scott Technology Ltd* [2023] NZEmpC 113.