

**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 131
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: 17 August 2023
(Heard at Christchurch by Telephone)

Appearances: B Keown and H Cassone, counsel for applicant
K Dunn and MOC Lister, counsel for respondent

Judgment: 17 August 2023

**JUDGMENT (NO 3) OF JUDGE K G SMITH
(Application to adjourn and continue and renew orders)**

[1] On 2 August 2023, Downer New Zealand Ltd successfully applied without notice for freezing orders and ancillary orders relating to certain of the assets of Joseph King. Those orders were subject to conditions.

[2] The reasons for granting the application were provided in a judgment dated 3 August 2023.¹

[3] On 11 August 2023, the orders made were renewed in the following way:²

- (a) The freezing orders and ancillary orders were to have no effect after 5 pm on Thursday 17 August 2023 unless on that date they were continued or renewed.
- (b) The non-publication order made on 2 August 2023 remained in effect until 5 pm on Thursday 17 August 2023 unless on that date it continued.
- (c) The applications and orders will be reviewed at a hearing beginning at 11 am on Thursday 17 August 2023.
- (d) In all other respects the orders made on 2 August 2023 were unaltered.

[4] By joint memorandum dated 17 August 2023 the parties applied for an adjournment of today's hearing and requested further orders by consent. The application is granted. The orders made on 2 August 2023 and renewed on 11 August 2023 are further renewed subject to the following:

- (a) Paragraph [8] of the orders is amended to read:

The freezing order will have no effect after **5 pm on Tuesday 17 October 2023**, unless on that date it is continued or renewed.

- (b) Paragraph [13] of the orders is amended to read:

There is to be no publication of the names of the parties, any details that would tend to identify them and any circumstances leading to these orders, except by the applicant for the purposes of enforcing the freezing orders or recovering the relevant funds until **5 pm on**

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

² *Downer New Zealand Ltd v King (No 2)* [2023] NZEmpC 124.

Tuesday 17 October 2023, unless on that date non-publication is continued.

(c) The hearing is adjourned until **2.15 pm on 17 October 2023**.

[5] Leave is reserved to apply to seek to vary the orders made.

[6] Costs are reserved.

K G Smith
Judge

Judgment signed at 2.20 pm on 17 August 2023