IN THE EMPLOYMENT COURT AUCKLAND

AC 15/08 ARC 23/08

IN THE MATTER OF an application for leave to file challenge

out of time

BETWEEN RICHARD RUSSELL POTTER

Plaintiff

AND AUSTRALIAN CONSOLIDATED PRESS

NZ LTD Defendant

Hearing: 15 May 2008

(Heard at Auckland)

Appearances: Martin Price, appearing on behalf of the plaintiff

Doug Alderslade, counsel for defendant

Judgment: 15 May 2008

INTERLOCUTORY JUDGMENT OF JUDGE B S TRAVIS

- [1] The plaintiff has applied for leave to file a challenge out of time against a determination issued by the Employment Relations Authority on 11 March 2008.
- [2] After lengthy and detailed submissions by both parties, I made the following directions:
 - (a) Mr Potter is to prepare a further detailed affidavit which addresses the allegations he has made in his draft statement of claim and annexes the relevant documentation. This will provide a chronology as to the dates on which the various events occurred and the documentation exchanged between the parties. This affidavit may also address Mr Potter's further

explanation for his late filing of the challenge. The affidavit is to be filed and served by 4pm on Thursday 29 May 2008.

- (b) The defendant is to file and serve any affidavit in reply by 4pm on Thursday 12 June 2008.
- (c) The application for leave will then be determined on the basis of the submissions already presented to the Court.

B S Travis Judge

Interlocutory Judgment signed at 4.20pm on 15 May 2008