

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

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

**[2024] NZEmpC 137  
EMPC 264/2024**

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

AND IN THE MATTER OF    an application for stay of execution

BETWEEN                      PHILIP TIGHE-UMBERS  
   Plaintiff

AND                                JETCONNECT LIMITED  
   Defendant

Hearing:                      On the papers

Appearances:                R McCabe, counsel for plaintiff  
   M W O'Brien, counsel for defendant

Judgment:                    1 August 2024

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**CONSENT JUDGMENT OF JUDGE M S KING**

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[1]     The plaintiff has challenged both a substantive and a costs determination of the Employment Relations Authority (the Authority).<sup>1</sup>

[2]     The Authority found that the plaintiff did not have a personal grievance of unjustified dismissal against the defendant. The Authority ordered the plaintiff to pay to the defendant a contribution to costs in the sum of \$4,500.

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<sup>1</sup>     *Tighe-Umbers v Jetconnect Ltd* [2024] NZERA 234 (Member Gane) [*Substantive*]; and *Tighe-Umbers v Jetconnect Ltd* [2024] NZERA 406 (costs) (Member Gane) [*Costs*].

[3] The plaintiff applied for an order staying the execution of the costs order made by the Authority. The defendant has agreed to the application for stay, conditional on the plaintiff making payment of the amount of costs ordered against him by the Authority into the Court by 13 August 2024.

[4] I am satisfied that it is appropriate to make the orders sought. There is accordingly an order by consent staying the execution of the Authority's costs determination on the following conditions:

- (a) The plaintiff is to pay to the Registrar of the Employment Court, no later than 13 August 2024, the agreed sum of \$4,500 which is to be held in an interest-bearing account.
- (b) If the plaintiff does not make payment of the agreed sum by the agreed date, the stay will lapse, and the amounts ordered against the plaintiff will become immediately enforceable.
- (c) The monies are not to be paid out by the Registrar until further order of the Court.

[5] No issue as to costs arises in relation to this application.

M S King  
Judge

Judgment signed at 2.30 pm on 1 August 2024