

**ORDER PROHIBITING PUBLICATION OF NAME AND IDENTIFYING
DETAILS IN THE CONTEXT OF THIS JUDGMENT**

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

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

**[2024] NZEmpC 16
EMPC 401/2023**

IN THE MATTER OF	an application for without notice freezing and ancillary orders
BETWEEN	STU Applicant
AND	FRD Respondent

Hearing: 12 February 2024
(via AVL)

Appearances: D Brabant and T Sung, counsel for applicant
E Anderson, counsel for respondent

Judgment: 13 February 2024

**JUDGMENT (NO 5) OF JUDGE M S KING
(Further application to amend and extend orders and
interim non-publication orders)**

[1] On 6 November 2023, this Court issued a judgment making without notice freezing and ancillary orders under s 190(3) of the Employment Relations Act 2000 and pt 32 of the High Court Rules 2016 in respect of the property of the respondent, FRD, to prevent them from disposing or otherwise dissipating that property pending the determination of STU's substantive claims.¹ The orders have been reviewed and

¹ *STU v FRD* [2023] NZEmpC 190.

extended by the Court on three occasions, and on 5 December 2023 the Court varied the orders to allow the respondent to open and use a nominated transactional bank account.² The orders were due to expire at 5 pm on 13 February 2024, with a review hearing scheduled for 12 February 2024.

[2] In advance of the review hearing, counsel for STU filed a memorandum seeking for the varied orders to be extended until FRD filed an application to vary or discharge the orders; thereafter the matter would be timetabled and allocated a hearing date. Counsel for FRD filed a separate memorandum advising that the parties were scheduled to attend mediation on 11 March 2024. If the parties were unsuccessful at mediation, FRD would file an application to discharge or vary the orders. Counsel for FRD sought for the orders to be reviewed by the Court shortly after mediation, on 15 March 2024.

[3] At the hearing, counsel for both parties made submissions on the extension and review of the orders. Ms Brabant, counsel for STU, submitted that there were issues with the adequacy of the information disclosed by FRD in the proceedings and they were contemplating filing an application for further ancillary orders seeking the disclosure of further information. STU also raised a concern over the parties' increasing legal costs in attending regular review hearings, where no application to vary or discharge the orders had been made by either party. Ms Anderson, counsel for FRD, disputed that the defendant had not been forthcoming with disclosing the information sought by STU. Ms Anderson informed the Court that FRD intended to file an application to vary or discharge the orders in advance of the scheduled mediation and that counsel had already begun preparing the application and supporting evidence.

[4] The parties agreed at the hearing that the orders would be extended to the day following the next scheduled review hearing. The Court would timetable the review hearing to occur at the same time as the hearing of FRD's application to vary or discharge the orders, and any application made by STU for further ancillary orders. Orders have been made accordingly in a separate minute of today's date.

² *STU v FRD* [2023] NZEmpC 213; *STU v FRD* [2023] NZEmpC 214; *STU v FRD* [2023] NZEmpC 222.

[5] The interim non-publication order made in this matter continues.³

Conclusion

[6] The freezing and ancillary orders which were varied by the Court on 5 December 2023 are extended until a date set by the Court registry. The interim non-publication order over the identity of the parties continues. The matter will be called in the Court via AVL at a date and time set by the Court registry.

M S King
Judge

Judgment signed at 3.30 pm on 13 February 2024

³ *STU v FRD* [2023] NZEmpC 222 at [8].