

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

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

**[2024] NZEmpC 172
EMPC 217/2024**

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

AND IN THE MATTER OF an application for stay of proceedings

BETWEEN ORTHOMED NZ LIMITED
Plaintiff

AND PETER GAARKUEKEN
Defendant

Hearing: On the papers

Appearances: S Greening and E Drew, counsel for the plaintiff
R Walsh and J Kaye, counsel for the defendant

Judgment: 16 September 2024

CONSENT JUDGMENT OF JUDGE J C HOLDEN

[1] Orthomed NZ Ltd has challenged a determination of the Employment Relations Authority.¹

[2] The parties now jointly apply for an order staying the Authority's determination pending resolution of the challenge, on the condition that certain funds are paid by Orthomed to the Registrar of the Employment Court.

[3] That is appropriate. Accordingly, the Court orders that the Authority determination between the parties is stayed subject to Orthomed paying the sum of

¹ *Gaarkeuken v Orthomed NZ Ltd* [2024] NZERA 298 (Member Baker).

\$61,513.23 to the Registrar of the Employment Court. That payment is to be made by 5pm on 16 September 2024.

[4] The Registrar is directed to place those funds in an interest-bearing account as soon as is practicable, where they are to be held pending further order of the Court.

[5] If the payment is not made as described, the stay will lapse without either party needing to make further application to the Court.

J C Holden
Judge

Judgment signed at 9.00 am on 16 September 2024