

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

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

**[2024] NZEmpC 207
EMPC 361/2024**

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

AND IN THE MATTER OF an application for a stay of execution

BETWEEN TILLMANS FINE FURNITURE
LIMITED
Plaintiff

AND CINDY ROOKES
Defendant

Hearing: 4 November 2024
(Heard at Christchurch by telephone)

Appearances: K Dalziel, counsel for plaintiff
A Kersjes, advocate for defendant

Judgment: 4 November 2024

**CONSENT INTERLOCUTORY JUDGMENT OF JUDGE K G SMITH
(Application for a stay of execution)**

[1] On 22 August 2024, the Employment Relations Authority issued a determination concluding that Cindy Rookes was unjustifiably dismissed by Tillmans Fine Furniture Ltd.¹

[2] Tillmans was ordered to pay Ms Rookes three weeks' wages and compensation pursuant to s 123(1)(c)(i) of the Employment Relations Act 2000.

¹ *Rookes v Tillmans Fine Furniture Ltd* [2024] NZERA 504 (Member Vincent).

[3] Tillmans has challenged the determination.

[4] At a telephone directions conference on 4 November 2024, Ms Dalziel and Mr Kersjes made an oral application for an order by consent staying the execution of the determination subject to the following conditions:

- (a) The plaintiff paying to the Registrar of this Court the agreed sum of \$17,625.
- (b) Payment of the sum referred to in (a) being made to the Registrar no later than seven days from the date of this decision.
- (c) The sum in (a), once paid, being held by the Registrar in an interest-bearing account pending further order of the Court or written agreement of the parties.

[5] I am satisfied that it is appropriate to grant a stay on the proposed conditions with one addition: for the avoidance of doubt, if the payment referred to in paragraph [4](a) above is not made within the stipulated time this order will lapse without either party needing to make a further application.

[6] Orders are made accordingly.

[7] There is no issue as to costs.

K G Smith
Judge

Judgment signed at 3 pm on 4 November 2024