

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

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

**[2024] NZEmpC 216
EMPC 352/2024**

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	KEITH HILL First Plaintiff
AND	KAYE THOMAS Second Plaintiff
AND	COOKRIGHT FILTERING SERVICES LIMITED Defendant

Hearing: 12 November 2024
(Heard at Christchurch by telephone)

Appearances: K Thomas, second plaintiff in person and as agent for first
plaintiff
M Inwood and J Bates, counsel for defendant

Judgment: 13 November 2024

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

[1] The plaintiffs have challenged a determination of the Employment Relations Authority in which damages and penalties were ordered to be paid to the defendant.¹

¹ *Cookright Filtering Services Ltd v Hill* [2024] NZERA 495 (Member Beck).

[2] The plaintiffs have applied for a stay of execution of the Authority's determination. At a telephone conference on 12 November 2024 the parties agreed to participate in a judicial settlement conference. To facilitate that conference the defendant consented to a short-term stay of the determination.

[3] I am satisfied that it is appropriate for a stay to be granted, given the parties intention to seek to resolve these disputes.

[4] The application for a stay is granted subject to the conditions that:

- (a) the stay will lapse at the conclusion of the judicial settlement conference if resolution of the employment relationship problems is not achieved;
- (b) for the avoidance of doubt, if the stay lapses under (a), the plaintiffs are not precluded from continuing with their application for a stay pending the challenge being concluded and to do so without making a new application; and
- (c) either party may apply to vary or rescind this order on giving reasonable notice.

[5] There is no issue as to costs.

K G Smith
Judge

Judgment signed at 11 am on 13 November 2024