

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

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

**[2025] NZEmpC 57
EMPC 101/2025**

IN THE MATTER OF an application for a search order

BETWEEN WILSON PARKING NEW ZEALAND
 LIMITED
 Plaintiff

AND PETER TURNER
 First Respondent

AND ATE PROPERTY LIMITED
 Second Respondent

Hearing: 24 March 2025
 (via AVL)

Appearances: D Brabant, counsel for the applicant
 G Jones, counsel for the first and second respondents
 T Westaway and S Campbell, independent solicitors

Judgment: 24 March 2025

JUDGMENT OF JUDGE J C HOLDEN

[1] On 11 March 2025, the Court made search and ancillary orders on a without notice basis. A review hearing was scheduled for this morning, 24 March 2025.¹

[2] Thomas Westaway and Shane Campbell, the independent solicitors who carried out the searches, as permitted by the order, provided reports to the Court on

¹ *Wilson Parking New Zealand Ltd v Turner and Another* [2025] NZEmpC 36.

21 March 2025 and I heard from them and from counsel for the parties this morning, 24 March 2025.

[3] The searches were conducted on 12 March 2025. Mr Campbell reported that the first respondent, Peter Turner, cooperated fully in the search. The search of the second respondent also was conducted without any difficulty. Clones of certain devices were made during the searches and documents were uplifted. All devices and documents have been copied with the originals now returned to the respondents.

[4] Counsel for the parties jointly filed a memorandum in advance of the review hearing which confirmed that they had reached agreement on the process now to be followed.

[5] On the basis of that memorandum, I record that:

- (a) On 13 March 2025, Wilson Parking filed a statement of problem against Mr Turner and an application for urgent interim orders in the Employment Relations Authority. ATE Property Ltd was named in the statement of problem as a third respondent, but strictly in relation to a penalty claim made under s 134(2) of the Employment Relations Act 2000, for allegedly inciting, instigating, aiding, or abetting a breach of Mr Turner's employment agreement.
- (b) On 14 March 2025, Wilson Parking filed proceedings, including an application for an interim injunction, in the High Court.
- (c) On 18 March 2025, Wilson Parking filed a statement of problem and an application for urgent interim orders against another person, who also has allegedly incited, instigated, aided, or abetted a breach of Mr Turner's employment agreement.
- (d) On 19 March 2025, ATE Property filed a notice of appearance and protest to jurisdiction in the High Court proceedings.

- (e) On 20 March 2025, the Authority directed the parties to urgent mediation to try and resolve the interim injunction applications made against Mr Turner and the other person.
- (f) On 28 May 2025, the High Court hearing on the protest to jurisdiction is scheduled.

Orders made

[6] Orders are now sought jointly by the parties and are appropriate. I therefore order by consent that the search orders are continued, subject to the following conditions:

- (a) The yield of the searches undertaken are to be fully processed in accordance with the process set out in the affidavit of Cameron Beadle-Hansen, affirmed on 28 February 2025.²
- (b) Counsel agree that the keyword search terms are those set out in paragraph 9 of the search order.
- (c) The names of law firms or counsel are to be applied to the search terms in order to enable privileged documents to be searched, and for privileged documents to be identified and stored securely, being all communications to or from Glenn Jones, Saunders Robinson Brown, Lane Neave, and Layburn Hodgins. Presently, on a prima facie basis, the respondents assert a blanket claim of privilege in respect of all communications between the respondents and the legal advisors in firms identified above.

² Mr Beadle-Hansen is a computer analyst at Datalab Ltd.

[7] The following timetabling applies in respect of claims of privilege or confidentiality:

- (a) An index is to be produced, as soon as practicable by Datalab Ltd, of the relevant documents, with party, sender/receiver, subject matter, and date.
- (b) Counsel for Mr Turner is to review and identify which documents identified in the list, including attachments, are legally privileged or confidential and what category of privilege is claimed. This is to occur within **10 working days** of being provided with the list.
- (c) The parties will then confer within **five working days** and identify whether there are objections to the privilege and/or confidentiality claims that have been identified by Mr Turner's counsel.
- (d) If objections are identified, counsel for Wilson Parking is to file any challenge to the claims within **five working days**.
- (e) On receipt of a challenge to privilege claims, a telephone directions conference will be set down to address timetabling.

[8] In addition, a full index of documents is to be provided to counsel for Mr Turner. If there are challenges in respect of relevance, and/or there are issues regarding privacy, the parties will confer and advise the Court and the same timeframes as those for addressing privilege and confidentiality will operate in these circumstances.

[9] The parties are to keep the Court updated in respect of the High Court and Authority matters.

[10] The prohibition on publication contained in [53] of the Court's judgment of 11 March 2025 is lifted.

[11] Leave is reserved to any party to apply to the Court for further directions or orders on reasonable notice.

[12] Costs are reserved.

J C Holden
Judge

Judgment signed at 3.30 pm on Monday 24 March 2025