

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2016] NZERA Auckland 185
5618929

BETWEEN AGGREKO (NZ) LIMITED
 Applicant

AND GRANT McENERY
 Respondent

Member of Authority: Nicola Craig

Representatives: Dean Organ for Applicant
 Michelle Clark Respondent

Determination: 9 June 2016

CONSENT DETERMINATION OF THE AUTHORITY

[1] Aggreko (NZ) Limited (Aggreko) has brought a claim against its former employee Grant McEnergy concerning confidential information.

[2] Aggreko sought various interim orders against Mr McEnergy. Mr McEnergy has provided an affidavit in response. At the case management conference held on 25 May 2016 it was agreed by the parties that Mr McEnergy would provide a further affidavit and would also provide copies of documents on USB sticks to the Authority and to Aggreko's representative. The further affidavit and USB stick have now been provided.

[3] The remaining interim issue concerns Aggreko's claim for an order restraining Mr McEnergy from various actions relating to Aggreko's confidential information. Mr McEnergy consents to the making of this order.

[4] I order that until such time as a determination is issued on Aggreko's substantive claim, Mr McEnergy (whether as an individual or by his agents or otherwise howsoever) is restrained from destroying, using, copying, transmitting, transferring, altering, deleting or defacing any of Aggreko's confidential information (other than as directed by the Authority for the purposes of this proceeding). For the sake of clarity this order does not prevent Mr McEnergy's solicitors from dealing with Aggreko's confidential information for the purposes of this proceeding.

Nicola Craig

Member of the Employment Relations Authority