



# Employment Court of New Zealand

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## Butterworth v TBA Communications Limited [2012] NZEmpC 78 (11 May 2012)

Last Updated: 18 May 2012

### IN THE EMPLOYMENT COURT AUCKLAND

#### [\[2012\] NZEmpC 78](#)

ARC 101/11

IN THE MATTER OF a challenge to a determination of the

Employment Relations Authority

AND IN THE MATTER OF an application for costs

BETWEEN TRUDY BUTTERWORTH Plaintiff

AND TBA COMMUNICATIONS LIMITED Defendant

Hearing: By memorandum of submissions filed on 24 April 2012

11 May 2012 by telephone conference call

(Heard at Auckland)

Appearances: Mark Ryan, counsel for plaintiff

Gretchen Stone, counsel for defendant

Judgment: 11 May 2012

### INTERLOCUTORY JUDGMENT OF JUDGE CHRISTINA INGLIS IN RELATION TO APPLICATION TO EXTEND TIME

[1] A judgment was delivered on 17 February 2012<sup>[1]</sup> dismissing a challenge brought by the plaintiff against a determination of the Employment Relations Authority.<sup>[2]</sup> A timetable was set for filing submissions as to costs. The defendant was to file and serve any submissions within 60 days of the date of the judgment.

[2] On 23 April 2012, counsel for the defendant filed a memorandum and application for leave to extend the timeframe. Counsel for the plaintiff was provided

TRUDY BUTTERWORTH V TBA COMMUNICATIONS LIMITED NZEmpC AK [\[2012\] NZEmpC 78](#) [11

May 2012]

with an opportunity to be heard in relation to the application on 24 April 2012. The timeframe for notifying any opposition was 10 working days.

[3] Somewhat ironically, counsel for the plaintiff responded with a request for an extension of time to file a response to the defendant's application.

[4] A telephone conference was convened today and I heard further from counsel.

[5] Following discussions, Mr Ryan advised that the extension of time for filing the defendant's memorandum was not opposed and it was granted by consent. The following agreed timetabling orders were:

(a) Counsel for the defendant is to file and serve a memorandum as to costs within five working days.

(b) Counsel for the plaintiff is to file and serve any memorandum in reply within a further 15 working days.

Christina Inglis  
Judge

Judgment signed at 2 pm on Friday 11 May 2012

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[\[1\]](#) [\[2012\] NZEmpC 24.](#)

[\[2\]](#) [2011] NZERA Auckland 540.

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