



Employment Court of New Zealand

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Hope v Attorney-General [2021] NZEmpC 174 (12 October 2021)

Last Updated: 16 October 2021

IN THE EMPLOYMENT COURT OF NEW ZEALAND CHRISTCHURCH

I TE KŌTI TAKE MAHI O AOTEAROA ŌTAUTAHI

[\[2021\] NZEmpC 174](#)

EMPC 286/2021

IN THE MATTER OF	a declaration under s 6(5) of the Employment Relations Act 2000
AND IN THE MATTER OF	an application in relation to appointment of litigation guardian
BETWEEN	WORSHIP HOPE Plaintiff
AND	THE ATTORNEY-GENERAL sued on behalf of the Ministry of Business, Innovation and Employment, Labour Inspectorate First Defendant/Proposed Intervener
AND	HOWARD TEMPLE, FERVENT STEDFAST, ENOCH UPRIGHT, SAMUEL VALOR, FAITHFUL PILGRIM, NOAH HOPEFUL AND STEPHEN STANDFAST Second Defendants
AND	FOREST GOLD HONEY LIMITED AND HARVEST HONEY LIMITED Third Defendants

Hearing: On the papers

Judgment: 12 October 2021

INTERLOCUTORY JUDGMENT (NO 2) OF CHIEF JUDGE CHRISTINA INGLIS

(Appointment of litigation guardian)

[1] Following a telephone conference on 8 October 2021 I ordered the appointment of a litigation guardian for the plaintiff in these proceedings. I directed

WORSHIP HOPE v THE ATTORNEY-GENERAL sued on behalf of the Ministry of Business, Innovation and Employment, Labour Inspectorate [\[2021\] NZEmpC 174](#) [12 October 2021]

that the Solicitor-General be asked to recommend the appointment of a suitably senior lawyer to take on this role.¹

[2] Crown Counsel has filed a memorandum recommending the appointment of Mr J Shaw, a partner in the Christchurch law firm of Wynn Williams. Mr Shaw has confirmed his willingness to accept appointment as litigation guardian in this proceeding and that he has no conflict of interest.

[3] It appears that Mr Shaw would be well placed to take on the role and he is accordingly appointed as litigation guardian

for Worship Hope in these proceedings. Mr Shaw is to have his costs met by the Crown, and the Registrar is directed to contact Mr Shaw as soon as convenient to discuss the necessary arrangements with him and to make available relevant documentation from the Court file.

[4] It should be noted that r 4.39 requires that the name of the incapacitated person be followed by the words “by his (or her) litigation guardian”, together with the guardian’s name. I do not require the plaintiff to file a fresh statement of claim in the circumstances. Further documents filed in this matter should however use the above formulation to avoid any possible confusion.

Christina Inglis Chief Judge

Judgment signed at 4.55 pm on 12 October 2021

1 *Hope v Attorney-General* [2021] NZEmpC 171.

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