



Employment Court of New Zealand

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Horton Media Limited v Tither [2012] NZEmpC 142 (23 August 2012)

Last Updated: 28 August 2012

IN THE EMPLOYMENT COURT AUCKLAND

[\[2012\] NZEmpC 142](#)

ARC 44/12

IN THE MATTER OF an application to vary a freezing order and ancillary orders

BETWEEN HORTON MEDIA LIMITED Applicant

AND NORAH LAURENCE TITHER Respondent

Hearing: 23 August 2012 (by telephone) and by memoranda filed on 22 August

2012

Counsel: Stephen Langton, counsel for applicant

Charlotte Parkhill, counsel for respondent

Judgment: 23 August 2012

JUDGMENT NO 2 OF JUDGE CHRISTINA INGLIS

[1] A freezing order, and ancillary orders, were made by consent on 20 July 2012 to preserve property held by the respondent for enforcement purposes, pursuant to [s 190\(3\)](#) of the [Employment Relations Act 2000](#). The grounds on which the orders were made are set out in the Court's judgment of 20 July 2012.¹

[2] An application for variation was filed on 22 August 2012. Like the original application, the application for variation has been advanced on notice and the respondent consents to the orders sought. The respondent's husband, who jointly holds bank and credit card accounts with the respondent, was served with a copy of

the most recent application and draft orders and has advised (through counsel) that

¹ [\[2012\] NZEmpC 116](#).

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he does not wish to be heard on it. The parties agree that Mr Tither is entitled to bring an application to modify the freezing order and ancillary orders.

[3] The variations sought relate to an additional bank account and American Express account held by the respondent, which have been identified since the original orders were made. The application is also directed at correcting the bank account details of a National Bank account held by the respondent, cited in the orders made.

[4] I am satisfied, based on the material filed in support of the application, that the original orders ought to be varied to include reference to the additional assets held by the respondent (either jointly or solely) and to correct an error in the original orders. The freezing and ancillary orders are accordingly varied, in terms of the draft orders filed. They will remain in force pending resolution of and (if necessary) enforcement of the applicant's claim against the respondent, or any settlement of the claim, or until further order of the Court.

[5] Costs on this application are reserved.

Christina Inglis

Judge

Judgment signed at 12.30 pm on 23 August 2012

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