

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH**

[2014] NZERA Christchurch 164
5522990

BETWEEN	HOUSE LIFTERS LIMITED Applicant
A N D	ROHAN BAPTISTA First Respondent
A N D	PRO RISE LIMITED Second respondent
A N D	STEPHEN MARK FRANKLIN Third respondent

Member of Authority: David Appleton

Representatives: Tim McGinn, Counsel for Applicant
David Beck, Counsel for First Respondent
Peter van Keulen, Counsel for Second and Third
Respondent

Date of Determination: 22 October 2014

CONSENT DETERMINATION OF THE AUTHORITY

[1] The applicant lodged a statement of problem with the Authority on 10 October 2014 seeking urgent interim orders against the first respondent in relation to alleged breaches by him of non-solicitation and non-compete covenants. The recovery of losses and damages is also sought from the first respondent and the imposition of penalties is sought against the first, second and third respondents.

[2] Counsel for all parties have indicated that they have agreed a resolution in respect of the interim orders sought against the first respondent.

[3] Pursuant to the agreement reached by the parties, the following orders are made:



- a. for a period of three months from the date of this determination the first respondent is prohibited from:
- i. entering into any employment, or business or activity of any nature, in any capacity, that competes with the business of the applicant within a radius of 15 kilometres of the applicant's business at 25 Battersea Street, Sydenham, Christchurch;
 - ii. soliciting, diverting, appropriating or accepting any business from any customers of the applicant with whom Mr Baptista has dealt with while an employee of the applicant, including prospective customers from whom Mr Baptista actively sought business while employed by the applicant.
 - iii. procuring or assisting anyone else to breach any of the covenants contained within this paragraph.
- b. The first respondent is to deliver up forthwith to the applicant any confidential information in his possession belonging to the applicant.

[4] By consent, costs are reserved in respect of the interim matters disposed of in this determination. The substantive matters remain to be determined by the Authority.

 

David Appleton
Member of the Employment Relations Authority

