



# Employment Court of New Zealand

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## Lorigan v Infinity Automotive Limited [2017] NZEmpC 65 (24 May 2017)

Last Updated: 30 May 2017

IN THE EMPLOYMENT COURT AUCKLAND

[\[2017\] NZEmpC 65](#)

EMPC 377/2016

EMPC 277/2016

IN THE MATTER OF      a challenge to a determination of the  
Employment Relations Authority

AND IN THE MATTER    an application for leave to extend  
time to file opposition to an  
application for further and better  
particulars

AND IN THE MATTER    an application for leave to extend  
time to file opposition to an  
application for security for costs

BETWEEN                PETER LORIGAN Plaintiff

AND                      INFINITY AUTOMOTIVE LIMITED  
Defendant

Hearing:                On the papers filed 11 and 23 May 2017

Appearances:        P Lorigan, in person  
R Towner and S Maxfield, counsel for  
defendant

Judgment:            24 May 2017

INTERLOCUTORY JUDGMENT OF JUDGE CHRISTINA INGLIS

[1] The plaintiff seeks leave to file notices of opposition and supporting affidavits in respect of an application for security for costs and an application for further particulars of his statement of claim. Leave is required because the original documentation presented for filing by the plaintiff was rejected on the basis that it did not comply with the relevant requirements, and the timeframe for filing has now

elapsed.

PETER LORIGAN v INFINITY AUTOMOTIVE LIMITED NZEmpC AUCKLAND [\[2017\] NZEmpC 65](#) [24

May 2017]

[2] The defendant has filed a memorandum advising that it neither consents to, nor opposes, the applications for leave and is content to leave matters in the Court's hands. The parties agreed to the applications being dealt with on the papers.

[3] The grounds on which an extension of time is sought are set out in the applications and an affidavit filed by the plaintiff. Essentially the failure to file on time appears to have resulted from a misapprehension as to the applicable procedural requirements.

[4] The difficulties that the plaintiff has confronted are adequately explained in the material before the Court. He took steps to remedy the deficiencies in the notices and he attempted to file promptly after they were pointed out to him by Registry staff. Draft notices of opposition have been filed with the applications for leave. There is no suggestion that the defendant would be prejudiced if leave is granted. Conversely the plaintiff would be prejudiced if leave was declined. That is particularly so in respect of the application for security for costs, which would proceed on an unopposed basis.

[5] In the circumstances I am satisfied that it is in the overall interests of justice that leave be granted. The draft notices of opposition, filed with the applications for leave, are to be treated as final.

[6] If any issue of costs arises I will receive memoranda.

Christina Inglis

Judge

Judgment signed at 4.30 pm on 24 May 2017

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