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Mataura Valley Milk Limited v Scott [2021] NZEmpC 229 (21 December 2021)

Last Updated: 24 December 2021

IN THE EMPLOYMENT COURT OF NEW ZEALAND CHRISTCHURCH

I TE KŌTI TAKE MAHI O AOTEAROA ŌTAUTAHI

[\[2021\] NZEmpC 229](#)

EMPC 221/2020

IN THE MATTER OF	an application for an urgent search order without notice
AND IN THE MATTER OF	an application to partially discharge orders
BETWEEN	MATAURA VALLEY MILK LIMITED Applicant
AND	GRAHAM SCOTT Respondent

Hearing: On the papers

Appearances: J Smith QC and B Scotland, counsel for applicant
S Richardson, advocate for respondent

Judgment: 21 December 2021

INTERLOCUTORY (NO 4) JUDGMENT OF JUDGE K G SMITH

(Partial discharge of orders)

[1] On 30 July 2020 Mataura Valley Milk Ltd was granted a search order against Graham Scott.¹ That application was made and heard urgently and without notice. The search order was confirmed and further orders, varying what had been granted, were made.²

[2] On 16 December 2021 the parties' representatives filed a joint memorandum recording they have resolved the outstanding issues between them subject to the Court dealing with the orders made previously.

1 *Mataura Valley Milk Ltd v Scott* [\[2020\] NZEmpC 112](#).

2. *Mataura Valley Milk Ltd v Scott* [\[2020\] NZEmpC 120](#); *Mataura Valley Milk Ltd v Scott* [\[2020\] NZEmpC 140](#); *Mataura Valley Milk Ltd v Scott* [\[2020\] NZEmpC 152](#); *Mataura Valley Milk Ltd v Scott* [\[2021\] NZEmpC 67](#).

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[3] The parties sought to have the orders made on 30 July 2020 (as subsequently varied) partially revoked, and that the independent solicitor release the following items to Mataura Valley Milk Ltd:

- (a) Western Digital Elements hard drive;
- (b) ADATA USB;
- (c) four Babbage USBs;
- (d) a red USB;
- (e) a white ADATA USB;
- (f) a GEA USB;
- (g) two hard copy documents; and

(h) a personal laptop and charger.

[4] The orders sought in the joint memorandum did not extend to the laptop and charger belonging to Happy Valley Nutrition Ltd. It is to remain in the possession of the independent solicitor pending a further joint memorandum being filed by the applicant and Happy Valley.

[5] On the basis that the parties have reached agreement as outlined in paragraphs

[3] and [4], I am satisfied that the orders as sought are appropriate and they are accordingly made.

[6] There is no order as to costs.

K G Smith Judge

Judgment signed at 12 pm on 21 December 2021

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