Employment Court of New Zealand

Samuels v Employment Relations Authority [2019] NZEmpC 55 (13 May 2019)

Last Updated: 18 May 2019

IN THE EMPLOYMENT COURT OF NEW ZEALAND AUCKLAND

I TE KŌTI TAKE MAHI O AOTEAROA TĀMAKI MAKAURAU

[2019] NZEmpC 55

EMPC 68/2018

IN THE MATTER OF	an application for judicial review
AND IN THE MATTER OF	an application by counsel assisting the Court to strike out part of the pleadings
BETWEEN	ROLAND SAMUELS Applicant
AND	EMPLOYMENT RELATIONS AUTHORITY First Respondent
AND	CAROLYN LANG Second Respondent
AND	GOURMET FOODS LIMITED Third Respondent

Hearing:	On the papers
Appearances:	G Bennett, advocate for applicant No appearance for respondents J Catran, counsel assisting the Court
Judgment:	13 May 2019

CONSENT INTERLOCUTORY JUDGMENT OF CHIEF JUDGE CHRISTINA INGLIS

(Application to strike out part of the pleadings)

[1] By minute dated 12 April 2019, I directed the applicant to file and serve any amended statement of claim, together with an application for leave to file out of time, no later than 4.30 pm on Tuesday 23 April 2019. Failing that, the application by Ms

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Catran, counsel assisting the Court, to strike out parts of the statement of claim, would be progressed and determined on the papers.

[2] By memorandum dated 9 May 2019, the applicant has consented to the strike- out and agrees that the only ground of review that can proceed is breach of natural justice as set out in the fifth amended statement of claim. By consent, all other causes of action are struck out.

[3] The Registrar is directed to schedule a further case management conference to address any outstanding issues and to timetable the case to a hearing.

Christina Inglis Chief Judge

Judgment signed at 3.30 pm on 13 May 2019