

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

**I TE RATONGA AHUMANA TAIMAHI
TĀMAKI MAKAURAU ROHE**

[2021] NZERA 119
3135300

BETWEEN	SKY STONE CONSULTING LIMITED Applicant
AND	LI XU Respondent

Member of Authority: Marija Urlich

Representatives: Simon Mitchell, for the Applicant
May Moncur, for the Respondent

Determination: 25 March 2021

DETERMINATION OF THE AUTHORITY

[1] Sky Stone Consulting Ltd (Sky Stone) seeks interim injunctive relief in respect of confidential information obtained by Mr Xu in his employment. Urgency was granted to the application which was lodged with an undertaking as to damages and supporting affidavit.

[2] This afternoon the representatives attended a case management conference with the Authority at short notice. Ms Moncur had limited instructions from Mr Xu. She was unable to consent to interim orders being made but accepted the matter was appropriately afforded urgency and that control of confidential information is a matter of importance to Sky Stone.

[3] Having heard from the parties the following interim order was made:

By **4pm Friday 26 March 2021** Mr Xu is to deliver up to the Authority all information in his possession and/or control which he has obtained in his employment with Sky Stone Consulting Limited and which belongs to Sky Stone Consulting Limited or other related entity.

Without the consent of Sky Stone Consulting Limited Mr Xu is not to distribute such information to any third party.

[4] By agreement the following directions are made:

- (i) Sky Stone to propose draft undertakings to Mr Xu as soon as practicable;
- (ii) By **10am Tuesday 30 March 2021** Mr Xu to file and serve a statement in reply and affidavit (if an affidavit is not possible he is to file a statement to be affirmed at the hearing. Ms Moncur may lead viva voce evidence to supplement the statement. Sky Stone may provide reply viva voce evidence.)
- (iii) At **2pm Wednesday 31 March 2021** the Authority will hold an investigation meeting to deal with the balance of the interim orders sought and the continuation of the orders at [3] above.

Marija Urlich
Member of the Employment Relations Authority