



Employment Court of New Zealand

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Smithson v Wellington College Board of Trustees [2020] NZEmpC 72 (27 May 2020)

Last Updated: 4 June 2020

IN THE EMPLOYMENT COURT OF NEW ZEALAND WELLINGTON

I TE KŌTI TAKE MAHI O AOTEAROA TE WHANGANUI-A-TARA

[\[2020\] NZEmpC 72](#)

EMPC 289/2019

IN THE MATTER OF	a challenge to a determination of the Employment Relations Authority
AND IN THE MATTER	of an application for a stay of proceedings
BETWEEN	DIANE SMITHSON Plaintiff
AND	WELLINGTON COLLEGE BOARD OF TRUSTEES Defendant

Hearing: (on the papers)

Appearances: B Buckett and M Belesky, counsel for
plaintiff C Heaton, counsel for defendant

Judgment: 27 May 2020

INTERLOCUTORY JUDGMENT OF JUDGE B A CORKILL

(Application for order of stay)

[1] The plaintiff has brought a challenge to a substantive determination¹ in which her claims were dismissed, and to a subsequent costs determination made in the defendant's favour.²

[2] The parties have now agreed that an order should be made granting the plaintiff a stay of proceedings with regard to the costs determination subject to the following conditions:

1 *Smithson v Wellington College Board of Trustees* [\[2019\] NZERA 489 \(Member Crichton\)](#).

2 *Smithson v Wellington College Board of Trustees* [\[2020\] NZERA 183 \(Member Loftus\)](#).

DIANE SMITHSON v WELLINGTON COLLEGE BOARD OF TRUSTEES [\[2020\] NZEmpC 72](#) [27 May 2020]

- Within seven days of this judgment being issued, the plaintiff will pay the sum awarded by the Authority for costs, \$11,500, to the Registrar of the Court to be held in an interest-bearing account until the parties agree otherwise, or until further order of the Court.
- If the plaintiff does not make the above payment into Court, without reasonable excuse, the Authority's costs award will become immediately payable.

[3] I make that order, by consent.

[4] I reserve leave to either party to apply for an order varying, amending or revoking the foregoing order on reasonable notice.

B A Corkill Judge

