



Employment Court of New Zealand

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Stevenson v Bentan Twisted Limited WC12/09 [2009] NZEmpC 41 (7 May 2009)

Last Updated: 8 July 2009

IN THE EMPLOYMENT COURT

WELLINGTONWC 12/09WRC 10/09

IN THE MATTER OF an application for leave to file challenge out of time

BETWEEN SHAUN STEVENSON

Applicant

AND BENTAN TWISTED LIMITED

Respondent

Hearing: (Heard on the papers) 5 May 2009

Judgment: 7 May 2009

JUDGMENT OF JUDGE C M SHAW

[1] This is an unopposed application for leave to file a statement of claim out of time.

[2] The applicant's challenge to a determination of the Employment Relations Authority was sent in error to the Employment Relations Authority 1 day inside the 28-day period for filing. The documents were returned and received at the applicant's solicitor's offices on 20 March 2009 and the applicant's solicitor did not see an e-mail dated 17 March 2009 sent by the Authority until he returned from leave on 23 March 2009. This application was filed promptly after that.

[3] I am satisfied that the grounds for such an application are made out and leave is granted accordingly.

[4] Because the respondent's advocate had advised the applicant's solicitor that his application was not opposed, counsel for the applicant has already filed a statement of claim together with the correct filing fee in anticipation of the application being granted.

[5] A new file number will now be allocated to the challenge and advised to counsel.

C M SHAW
JUDGE

Judgment signed at 9.30am on 7 May 2009