

**IN THE EMPLOYMENT COURT OF NEW ZEALAND
AUCKLAND**

**I TE KŌTI TAKE MAHI O AOTEAROA
TĀMAKI MAKĀURAU**

**[2024] NZEmpC 128
EMPC 193/2024**

IN THE MATTER OF a challenge to a determination of the
 Employment Relations Authority

AND IN THE MATTER OF an application for variation of a stay of
 execution order

BETWEEN XENIA GROUP LIMITED
 Plaintiff

AND JACKSON GEORGE
 Defendant

Hearing: On the papers

Appearances: B Molloy and O Rose, counsel for plaintiff
 D Fleming, counsel for defendant

Judgment: 17 July 2024

**CONSENT INTERLOCUTORY JUDGMENT (NO 2)
OF CHIEF JUDGE CHRISTINA INGLIS
(Application for variation of a stay of execution order)**

[1] I issued a judgment by consent on 8 July 2024 staying the execution of two determinations of the Employment Relations Authority in this matter.¹ The stay was made on conditions, one of which was that the plaintiff was to pay to the Registrar of the Employment Court the sum of \$40,823.92 no later than 12 July 2024. If payment was not made within that timeframe, the stay was to lapse and the amounts ordered

¹ *Xenia Group Ltd v George* [2024] NZEmpC 124; *George v Xenia Group Ltd* [2024] NZERA 350; *George v Xenia Group Ltd* [2024] NZERA 266.

were to become immediately enforceable. The amounts ordered were not paid within time and accordingly the stay lapsed.

[2] The parties now seek a variation to the orders made by the Court, extending the earlier timeframe for payment to no later than 19 July 2024.

[3] I am satisfied that it is appropriate to make the orders sought in the circumstances. The following orders are accordingly made:

- (a) The plaintiff is to pay to the Registrar of the Employment Court, no later than 19 July 2024, the agreed sum of \$40,823.92, which is to be held in an interest-bearing account.
- (b) If the plaintiff does not make payment of the agreed sum by the agreed date (namely no later than 19 July 2024), the stay will lapse and the amounts ordered against the plaintiff will become immediately enforceable.
- (c) The monies are not to be paid out until further order of the Court.

[4] No issue of costs arises.

Christina Inglis
Chief Judge

Judgment signed at 2.00 pm on 17 July 2024