

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

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

**[2024] NZEmpC 90  
EMPC 164/2024**

IN THE MATTER OF a without notice application for freezing and ancillary orders

AND IN THE MATTER OF an application to vary freezing orders

BETWEEN PACIFIC INSULATION LIMITED  
Applicant

AND RODERIGO JOSE LAGERA  
First Respondent

AND RJ & AL CONTRACTING LIMITED  
(formerly PACIFIC INSULATION (NORTH ISLAND) LIMITED)  
Second Respondent

Hearing: On the papers

Appearances: J Laphorne and S Caradus, counsel for the applicant  
P Cornegé and S Hasan, counsel for the respondents

Judgment: 27 May 2024

---

**INTERLOCUTORY JUDGMENT OF JUDGE J C HOLDEN  
(Application to vary freezing orders)**

---

[1] In my judgment dated 17 May 2024<sup>1</sup>, I granted Pacific Insulation Ltd's without notice application for freezing and ancillary orders against the respondents. My reasons judgment followed on 21 May 2024.<sup>2</sup>

---

<sup>1</sup> *Pacific Insulation Ltd v Lagera* [2024] NZEmpC 82.

<sup>2</sup> *Pacific Insulation Ltd v Lagera* [2024] NZEmpC 85.

[2] The freezing orders were to have effect only until 30 May 2024.

[3] In the meantime, the parties have sought some variations of the freezing orders by consent.

[4] The freezing orders do not prohibit the respondents from using their assets for the purposes of paying ordinary living expenses, paying legal expenses, or disposing of assets in the ordinary course of business and in good faith.<sup>3</sup> However, the first respondent's bank, ANZ, has advised that its systems do not allow bespoke payment policies to apply to individual customers.

[5] The parties have therefore agreed that one of the first respondent's accounts, being his "Go" account, can be released and hold \$10,000 for his permitted expenses.

[6] An order amending the freezing order is accordingly made as requested, allowing the first respondent to access that account for his permitted expenses.

[7] The parties also seek variations to the timetabling orders. Those orders are now varied as follows:

- (a) The respondents are to provide the documents described in paragraphs [9] and [10] of the freezing orders by 5 pm on Monday, 27 May 2024, if they have not already done so.<sup>4</sup>
- (b) The respondents are to file and serve their affidavit listing documents referred to in paragraphs [9] and [10] of the freezing orders by 5 pm on Friday, 31 May 2024.
- (c) The applicant is to file its statement of problem in the Employment Relations Authority by 5 pm on Monday, 10 June 2024.

---

<sup>3</sup> See High Court Rules 2016, r 32.6(3).

<sup>4</sup> The parties sought to amend this to 5 pm on Friday, 24 May 2024, but that date has been adjusted by the Court since it has now elapsed.

- (d) The review hearing set down for 9.30 am on 30 May 2024 before Judge Holden is vacated with appearances excused.
- (e) The matter is to be set down for the next available hearing date after 10 June 2024, to be fixed by the Registrar in consultation with the parties.<sup>5</sup>
- (f) The freezing orders are to continue, with the amendments outlined in this judgment, until 5 pm on the hearing date fixed by the Registrar.
- (g) Leave is reserved for any party to seek further directions on reasonable notice as may be required.

[8] This judgment, and my two previous judgments of 17 and 21 May 2024, are not to be published until further order of the Court.

J C Holden  
Judge

Judgment signed at 3.45 pm on 27 May 2024

---

<sup>5</sup> The review hearing may be before another judge.