



helpfully set out in Judge Corkill's most recent judgment and does not need to be repeated.<sup>2</sup>

[2] A review hearing was set down for today.

[3] Following a telephone directions conference held on 3 February 2025, directions were issued on that date by consent, as outlined in counsel's joint memorandum filed on 31 January 2025.

[4] By further joint memorandum filed on 5 February 2025, the parties have reached an agreement that they consider will best advance this matter to further mediation. They have also agreed to continue to liaise about the provision of information to support Ms Johnstone<sup>3</sup> to complete her report. They now seek orders and directions to facilitate mediation.

[5] By consent, the following orders are made:

- (a) The review hearing set down for today has been vacated and appearances excused.
- (b) The freezing and ancillary orders are varied to expire at 10 am on 11 March 2025, or such subsequent date to enable the Court to schedule a review hearing prior to its expiry.
- (c) A telephone directions conference will be scheduled with the parties on the next available date after 25 February 2025 to monitor progress and to confirm directions for the review hearing as necessary.
- (d) A review hearing will be scheduled on a date the Court can accommodate prior to the expiry of the freezing order to consider whether the freezing order should continue.

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<sup>2</sup> *Soundhomes NZ Ltd v Doughty (No 6)* [2024] NZEmpC 252 at [2]–[11].

<sup>3</sup> The expert accountant retained by the applicant.

- (e) The Registrar is directed to release \$50,000 to the applicant from the funds held by the Court as security for costs.<sup>4</sup>
- (f) Such funds are released on the basis that:
  - (i) the payment will be treated as an advance on any future costs award made by the Court to the applicant; and
  - (ii) if the sum advanced exceeds the amount of any future costs awarded to the applicant, the excess paid will be treated as payment towards any amount agreed, or determined, to be owed by the first respondent to the applicant.
- (g) The second respondent will continue to provide fortnightly bank statements for its operating account on an unredacted basis, but only to the applicant's lawyers and to Ms Johnstone, subject to receiving undertakings from those parties confirming that they will not disclose the unredacted statements to the applicant or other parties. The second respondent will also provide the applicant's lawyers with a copy of the same bank statements with the payer names redacted, which may be disclosed to the applicant only.

[6] This judgment and the orders authorised in it are to be served on the banks involved as soon as possible.

[7] Costs are reserved.

Kathryn Beck  
Judge

Judgment signed at 9.30 am on 7 February 2025

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<sup>4</sup> In accordance with the bank deposit slip provided.