

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

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

**[2025] NZEmpC 248
EMPC 535/2025**

IN THE MATTER OF proceedings removed in full from the
Employment Relations Authority

AND IN THE MATTER OF an application for an interim injunction and
other orders

BETWEEN WĒTĀ FX LIMITED
Plaintiff

AND BRENDAN CULLEN
Defendant

Hearing: 20 and 24 November 2025
(by telephone)
and on the papers

Appearances: P Wicks KC and J Hardacre, counsel for plaintiff
C W Stewart, J O Whyte and H Kodirova, counsel for defendant

Judgment: 25 November 2025

**CONSENT JUDGMENT OF JUDGE J C HOLDEN
(application for an interim injunction and other orders)**

[1] These proceedings, filed by the plaintiff Wētā FX Ltd in the Employment Relations Authority, were removed to the Court.¹

[2] Wētā FX then applied for an interim injunction requiring Mr Cullen, and any of his agents or representatives, to return copies of Wētā FX's confidential information

¹ *Wētā FX Ltd v Cullen* [2025] NZERA 734.

in their possession to Wētā FX and irretrievably delete that confidential information, including from their devices and accounts.

[3] Wētā FX also sought an order that a full review be conducted by a third party forensic expert of all Mr Cullen's personal electronic devices and accounts to check that this had been attended to.

[4] Urgency was sought.

[5] Following a telephone hearing convened on 20 November 2025, the parties entered into discussion and agreed (with no admission of liability) on a basis to dispose of Wētā FX's interlocutory application. The basis for that disposition was set out in a joint memorandum filed on 21 November 2025, the essential elements of which were that:

- (a) documents of Wētā FX's identified by it as "confidential" or "highly confidential" in the possession of Mr Cullen or his representatives would be provided to Wētā FX's solicitors, MinterEllisonRuddWatts, for them to hold securely and to make available in accordance with any order of the Employment Relations Authority or the Court.
- (b) those documents would be irretrievably deleted from any devices or accounts belonging to Mr Cullen or his representatives and Mr Cullen would cooperate with a forensic examination of his personal devices and accounts conducted in a manner set out in the memorandum.

[6] The parties agreed that they would return to urgent mediation on the substantive matters involving Mr Cullen's personal grievance claim and Wētā FX's breach of contract and other claims as particularised in its statement of claim dated 18 November 2025.

[7] The proposed orders set out in the memorandum of counsel, and described in [5] are appropriate. Accordingly, orders are made in the terms contained in the joint memorandum at [3] and [4].

[8] The parties are also directed to further urgent mediation, preferably with the same mediator as has previously dealt with the parties.

[9] Although in their memorandum, the parties jointly requested that these proceedings be consolidated with the proceedings for orders for pre-commencement disclosure (EMPC 518/2025), they were content for that request to be dealt with as the Court saw fit. Consolidation at this stage is not directed. Absent resolution at mediation, the proceedings brought by Mr Cullen for pre-commencement disclosure will continue to a conclusion as presently timetabled.

[10] Finally, I make an interim non-publication order preventing publication of the documents identified as “confidential” or “highly confidential” in schedule 1 of the affidavit provided by Wētā FX’s head of business affairs unless and until further order of the Court or of the Employment Relations Authority.

J C Holden
Judge

Judgment signed at 9.15 am on 25 November 2025