

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

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

**[2026] NZEmpC 20
EMPC 349/2025**

IN THE MATTER OF an application for freezing orders

BETWEEN OPEN COUNTRY DAIRY LIMITED
 Applicant

AND SIMON STEWART
 Respondent

Hearing: On the papers

Appearances: M Hammond and J Russ, counsel for applicant
 S Hood and B Smith, counsel for respondent

Judgment: 10 February 2026

JUDGMENT (NO 5) OF JUDGE M S KING

[1] On 19 August 2025 I granted an application for a freezing order.¹ The order has been reviewed, varied and extended by the Court several times.² The freezing order was to have effect until 18 February 2026, unless on that date it was continued or renewed.³ A review hearing is scheduled in this Court for 9.30 am on 17 February 2026.

[2] The parties have informed the registry that they agree to a continuation of the freezing order until further order of the Court. The continuation is sought to enable an application for damages to be advanced in the Employment Relations Authority (the Authority), which is currently adjourned pending the disposal of a related

¹ *Open Country Dairy Ltd v Stewart* [2025] NZEmpC 182.

² *Open Country Dairy Ltd v Stewart (No 2)* [2025] NZEmpC 197; *Open Country Dairy Ltd v Stewart (No 3)* [2025] NZEmpC 205.

³ *Open Country Dairy Ltd v Stewart (No 4)* [2025] NZEmpC 238.

prosecution by the Serious Fraud Office (SFO). However, given the potential for delays in the Authority's proceeding due to the SFO prosecution, the parties also seek leave to apply to vary or discharge the freezing order on ten working days' notice. I am satisfied that it is appropriate to grant a continuation of the freezing order on the basis sought.

[3] Further, interim non-publication orders were previously made preventing the publication of any information or identifying details relating to Mr Stewart's family members, his health and any information that identifies the company's customers or its confidential pricing information. The interim non-publication orders were also continued.⁴ The Court did not publish its earlier judgments in this proceeding, so as to allow Mr Stewart the opportunity to apply for broader non-publication; however, no application has been made. Accordingly, the earlier judgments of this proceeding can now be published as they do not provide specific identifying information that would breach or otherwise be inconsistent with the interim non-publication orders.

[4] By consent, I continue the current freezing order and interim non-publication orders until further order of the Court. Leave is reserved for either party to apply to vary or discharge the freezing order on ten working days' notice and I direct that the appearance listed for 17 February 2026 be vacated.

[5] Costs are reserved.

M S King
Judge

Judgment signed at 3.30 pm on 10 February 2026

⁴ *Open Country Dairy Ltd v Stewart (No 4)*, above n 3, at [3].