



Employment Court of New Zealand

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Alkazaz v Enterprise IT Limited [2020] NZEmpC 151 (23 September 2020)

Last Updated: 28 September 2020

IN THE EMPLOYMENT COURT OF NEW ZEALAND AUCKLAND

I TE KŌTI TAKE MAHI O AOTEAROA TĀMAKI MAKĀURAU

[\[2020\] NZEmpC 151](#)

EMPC 397/2019

IN THE MATTER OF	a challenge to a determination of the Employment Relations Authority
AND IN THE MATTER OF	an application for leave to file an amended statement of claim
BETWEEN	AHMED ALKAZAZ Plaintiff
AND	ENTERPRISE IT LIMITED Defendant

Hearing: On the papers

Appearances: Plaintiff in person
R Bryant, counsel for
defendant

Judgment: 23 September 2020

INTERLOCUTORY JUDGMENT (NO 5) OF CHIEF JUDGE CHRISTINA INGLIS

(Application for leave to file an amended statement of claim)

[1] Mr AlKazaz has filed an application for leave to amend his statement of claim to include a challenge to a costs determination of the Employment Relations Authority.¹ The statement of claim underpins a challenge which the Court has heard, and which is awaiting judgment. The challenge is against the Authority's determination declining an application advanced by Mr AlKazaz to reopen its substantive investigation into his claim of unjustified dismissal.²

1 *AlKazaz v Enterprise IT Ltd* [\[2020\] NZERA 332](#) (Member Craig).

2 *AlKazaz v Enterprise IT Ltd* [\[2019\] NZERA 560](#) (Member Craig).

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[2] The Authority's costs determination was issued on 21 August 2020. The defendant has advised that it consents to the application, although it seeks directions as to the timing of a statement of defence and, further, seeks that costs be dealt with at the time costs on the challenge are determined. That is because, as Mr Bryant, counsel for the defendant, points out, the outcome of the challenge will almost inevitably have an impact on costs.

[3] In the circumstances, the plaintiff's application for leave is granted; the amended statement of claim will be treated as having been filed and served; and the defendant should file a statement of defence to the amended statement of claim within a period of 14 days from the date of this judgment. It will be convenient to defer dealing with the costs challenge until after the judgment has been delivered on the challenge to the reopening determination.

[4] Costs on this application are reserved.

Christina Inglis Chief Judge

Judgment signed at 4.15 pm on 23 September 2020

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