



# Employment Court of New Zealand

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## Alkazaz v Enterprise IT Limited [2021] NZEmpC 94 (29 June 2021)

Last Updated: 5 July 2021

IN THE EMPLOYMENT COURT OF NEW ZEALAND AUCKLAND

I TE KŌTI TAKE MAHI O AOTEAROA TĀMAKI MAKĀURAU

[\[2021\] NZEmpC 94](#)

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 stay or variation of timetabling orders
BETWEEN	AHMED ALKAZAZ Plaintiff
AND	ENTERPRISE IT LIMITED Defendant

Hearing: On the papers  
Appearances: Plaintiff in person  
R Bryant, counsel for defendant  
Judgment: 29 June 2021

INTERLOCUTORY JUDGMENT (NO 10) OF CHIEF JUDGE CHRISTINA INGLIS

(Application for stay or variation of timetabling orders)

[1] Mr AlKazaz has filed an application for a stay of a challenge to a costs determination in the Employment Relations Authority. In the alternative he seeks a variation of the timetabling orders made on 17 June 2021 in these proceedings.

[2] The application is based on two principal grounds. First, that Mr AlKazaz has applied for a recall of a recent judgment of the Supreme Court declining a stay pending

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an application for leave to appeal.<sup>1</sup> The application for recall has been accepted for filing and it is said to be appropriate to await the outcome of that application before progressing the costs challenge. Second, Mr AlKazaz has a five-day fixture coming up in the Employment Court on an unrelated matter which is consuming much of his time. He is also returning to New Zealand with his wife and young family prior to the fixture, which will involve two weeks in managed isolation. I infer that Mr AlKazaz is concerned that he would have insufficient time to adequately prepare for both proceedings in parallel.

[3] The company takes a neutral position on the application.

[4] In the particular circumstances, and having regard to the position of the company, I am prepared to vary the current timetabling directions. This will allow Mr AlKazaz to relocate to New Zealand and prepare for his upcoming fixture, and will also enable the timetabling directions to accommodate the company identity issue which Mr AlKazaz wishes to raise as relevant to his challenge.

[5] The following directions are made:

- (a) Mr AlKazaz is to file and serve any application in relation to the company identity issue no later than 4 pm 30 August 2021. Any such application is to be accompanied by an affidavit/s in support;
- (b) Any response to the application is to be filed and served within a further 14 days;
- (c) The file is then to be referred to me by the Registry for timetable directions to progress the costs challenge.

[6] For the avoidance of doubt, the timetable for the filing of evidence and submissions for the costs challenge has been replaced by the directions made in this judgment. For completeness, I do not need to deal with Mr AlKazaz's application for a stay. The potential prejudice he has identified in respect of his current circumstances is adequately addressed by the variations I have made to the current timetable.

1 *AlKazaz v Enterprise IT Ltd* [\[2021\] NZSC 59](#).

[7] Costs are reserved.

Christina Inglis Chief Judge

Judgment signed at 9.45 am on 29 June 2021

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