



Employment Court of New Zealand

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Alkazaz v Enterprise IT Limited no. 7 [2021] NZEmpC 15 (18 February 2021)

Last Updated: 23 February 2021

IN THE EMPLOYMENT COURT OF NEW ZEALAND AUCKLAND

I TE KŌTI TAKE MAHI O AOTEAROA TĀMAKI MAKĀURAU

[\[2021\] NZEmpC 15](#)

EMPC 397/2019

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|----------------------|--|
| IN THE MATTER OF | a challenge to a determination of the Employment Relations Authority |
| AND IN THE MATTER OF | an application for stay of proceedings |
| AND IN THE MATTER OF | an application for adjournment |
| BETWEEN | AHMED ALKAZAZ Plaintiff |
| AND | ENTERPRISE IT LIMITED Defendant |

Hearing: 18 February 2020 by AVL
Appearances: Plaintiff in person
R Bryant, counsel for defendant
Judgment: 18 February 2021

INTERLOCUTORY JUDGMENT (NO 7) OF CHIEF JUDGE CHRISTINA INGLIS

(Applications for stay of proceedings and adjournment)

[1] Mr AlKazaz has filed an application for a stay of proceedings (a challenge to a costs determination of the Employment Relations Authority).¹ That application is opposed by the defendant company and was set down for hearing via AVL this morning. Shortly before the hearing Mr AlKazaz filed an application for an adjournment of the hearing. The application was opposed by the company. I directed that the application for an adjournment would be heard at the outset of the hearing. I

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

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granted the application after hearing from the parties and said that my reasons would follow. These are my reasons.

[2] The application for an adjournment had been signalled yesterday, following the filing and service of a memorandum by counsel for the defendant company, together with an email from the Court of Appeal Registry. The documentation was said to be relevant to the stay application. Mr AlKazaz promptly raised concerns about the documentation and the matter was put before another Judge. The Judge directed that the documentation be put before the Court on the stay hearing. Mr AlKazaz filed an application for an adjournment this morning.

[3] The application for an adjournment was advanced on two broad grounds. First, that Mr AlKazaz had not slept and has personal issues at present which he is having to deal with, all of which have been exacerbated by the difference in time (he resides in Dubai). Second, that he has doubts about the authenticity of the email attached to counsel for the defendant's

memorandum of yesterday and considers that a broader picture should be put before the Court to enable it to deal fairly with the stay application.

[4] Mr Bryant, counsel for the defendant, submitted that the application for an adjournment should be dismissed. The company was prepared to argue the stay application and that there was no disadvantage to Mr AlKazaz in relation to the most recent documentation because he was able to present submissions and evidence on it during the course of the hearing if that is what he wished to do.

[5] I accepted that Mr AlKazaz would likely struggle to present his arguments on the application for a stay in light of his personal circumstances, and that an adjournment would allow him an opportunity to address matters which he sees as important and which were raised by the defendant at a late stage yesterday. I was unable to discern any real prejudice to the company in granting an adjournment. The preparation that had gone into preparing for the hearing could no doubt be put to good use when the application came back before the Court.

[6] The application for an adjournment was accordingly granted. The defendant is to file and serve an affidavit in relation to the Court of Appeal documentation within five working days of today's date. Mr AlKazaz is to file and serve any affidavit in response within a further 10 working days. The parties will have an opportunity to file any updated submissions no later than 15 working days from today's date. The application for a stay will then be dealt with on the papers (an approach that Mr AlKazaz is content with).

[7] Costs are reserved.

Christina Inglis Chief Judge

Judgment signed at 3 pm on 18 February 2021

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