



# Employment Court of New Zealand

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## Davidson v Kelly [2016] NZEmpC 82 (29 June 2016)

Last Updated: 4 July 2016

IN THE EMPLOYMENT COURT AUCKLAND

[\[2016\] NZEmpC 82](#)

EMPC 269/2014

IN THE MATTER OF an application to enforce a compliance order under [s 138](#) of the [Employment Relations Act 2000](#)

BETWEEN JUDITH ANN DAVIDSON Plaintiff

AND STEPHEN ROBERT KELLY Defendant

EMPC 282/2014

AND IN THE MATTER of a challenge and an application to have a matter heard in the Employment Court under [s 139](#) of the [Employment Relations Act 2000](#)

AND BETWEEN JUDITH ANN DAVIDSON Plaintiff

AND STEPHEN ROBERT KELLY Defendant

Hearing: (by submissions dated 16 June 2016) Appearances: M Blomfield, advocate for the plaintiff

Judgment: 29 June 2016

JUDGMENT NO 3 OF JUDGE B A CORKILL

[1] On 4 December 2015, the parties reached an agreement to settle their differences, the essence of which was that Mr Stephen Kelly would pay

Ms Judith Davidson the sum of \$300,000 in accordance with an agreed schedule of

JUDITH ANN DAVIDSON v STEPHEN ROBERT KELLY NZEmpC AUCKLAND [\[2016\] NZEmpC 82](#) [29

June 2016]

payments. One of the agreed terms was that the Court would make a compliance order if there was a breach of the payment obligations.

[2] Regrettably, non-compliance has resulted in the Court making compliance orders directing payment on two previous occasions.<sup>1</sup>

[3] Mr Blomfield, advocate for the plaintiff, has advised the Court that there has now been a further default, namely a payment of \$20,000 which was due on

30 May 2016.

[4] Despite an opportunity being provided to Mr Kelly's representative to respond, no submission has been filed.

[5] Accordingly, there is no reason why a further compliance order should not

now be made in terms of the parties' agreement to that effect.

[6] I make a compliance order directing that Mr Kelly pay Ms Davidson the sum of \$20,000 by 5.00 pm on 1 July 2016. If payment is not made, Ms Davidson will be at liberty to enforce payment of the debt.

[7] I reserve any issues as to interest payable from the date of default to the date of payment, and as to costs in respect of Ms Davidson's application for the above compliance order.

B A Corkill

Judge

Judgment signed on 29 June 2016 at 12.15 pm

1 *Davidson v Kelly* [2016] NZEmpC 21; *Davidson v Kelly* [2016] NZEmpC 41.

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