



Employment Court of New Zealand

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Davidson v Kelly [2016] NZEmpC 90 (14 July 2016)

Last Updated: 21 July 2016

IN THE EMPLOYMENT COURT AUCKLAND

[\[2016\] NZEmpC 90](#)

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 5 July 2016) Appearances: M Blomfield, advocate for the plaintiff Judgment: 14 July 2016

JUDGMENT NO 4 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 payments. One of the agreed terms was that the Court would make a compliance

order if there was a breach of the payment obligations.

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July 2016]

[2] Regrettably, non-compliance resulted in the Court making compliance orders directing payment on three previous occasions.¹

[3] Mr Blomfield, advocate for the plaintiff, has now advised the Court that there have now been further defaults, namely the fourth payment of \$75,000, and the sixth payment of \$20,000. The fourth payment was due on 30 April 2016 but time for payment was extended to 30 June 2016; and the sixth payment was also due for payment on 30 June 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 \$95,000 by 5.00 pm on 16 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 the default, 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 14 July 2016 at 3.00 pm

1 *Davidson v Kelly* [\[2016\] NZEmpC 21](#); *Davidson v Kelly* [\[2016\] NZEmpC 41](#); *Davidson v Kelly*

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

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