



# Employment Court of New Zealand

You are here: [NZLII](#) >> [Databases](#) >> [Employment Court of New Zealand](#) >> [2015](#) >> [\[2015\] NZEmpC 56](#)

[Database Search](#) | [Name Search](#) | [Recent Decisions](#) | [Noteup](#) | [LawCite](#) | [Download](#) | [Help](#)

---

## Dream High Limited v Ji [2015] NZEmpC 56 (5 May 2015)

Last Updated: 13 May 2015

### IN THE EMPLOYMENT COURT WELLINGTON

#### [\[2015\] NZEmpC 56](#)

EMPC 312/2014

IN THE MATTER OF a challenge to a determination of  
the  
Employment Relations Authority

BETWEEN DREAM HIGH LIMITED Plaintiff

AND HYERIM JI Defendant

Hearing: (on the papers - minute dated 18 February  
2015)

Judgment: 5 May 2015

### JUDGMENT OF JUDGE A D FORD

[1] On 17 November 2014, the plaintiff's "owner" and representative Mr Hee Sung Lee filed a de novo challenge to the whole of a determination of the Employment Relations Authority dated 22 October 2014.<sup>1</sup> However the proceedings were never served on the defendant.

[2] The Registrar had several email exchanges with Mr Lee between November 2014 and February 2015 pointing out that it was his responsibility to arrange service of the proceedings on the defendant as soon as possible. In one email dated 30 January 2015, Mr Lee said that he was sure that he had sent a copy of the proceedings to the defendant but no affidavit of service or statement of defence has ever been filed. At that stage, Mr Lee informed the Court that he had returned to

Korea because of his father's illness.

<sup>1</sup> *Ji v Dream High Ltd* [2014] NZERA Wellington 107.

DREAM HIGH LIMITED v HYERIM JI NZEmpC WELLINGTON [\[2015\] NZEmpC 56](#) [5 May 2015]

[3] On 11 February 2015, the Registrar advised that it did not appear to him that the statement of claim had ever been served.

[4] On 18 February 2015, I issued an unless order informing Mr Lee that unless the proceedings were served on the defendant before 20 March 2015 then his challenge would be struck out. That order was duly served on Mr Lee but there has been no response.

[5] In the circumstances, the proceeding is struck out. As the defendant has never been served, no order is made as to costs.

A D Ford

Judge

Judgment signed at 2.00 pm on 5 May 2015

