

**ORDER PROHIBITING PUBLICATION OF NAMES OR IDENTIFYING
PARTICULARS OF THE PARTIES AND WITNESSES**

**IN THE EMPLOYMENT COURT OF NEW ZEALAND
AUCKLAND**

**I TE KŌTI TAKE MAHI O AOTEAROA
TĀMAKI MAKĀURAU**

**[2024] NZEmpC 57
EMPC 429/2023**

IN THE MATTER OF an application for search orders

BETWEEN ELG
 Applicant

AND KLE
 Respondent

Hearing: On the papers

Appearances: M Wisker, counsel for applicant
 C Eggleston, counsel for respondent
 R Towner, independent solicitor

Judgment: 8 April 2024

JUDGMENT (NO 5) OF JUDGE K G SMITH

[1] On 23 November 2023 the applicant was granted a search order.¹ Accompanying the search order were further orders prohibiting the publication of the judgment other than to the parties, their legal representatives, the supervising lawyer and the forensic computer consultants or analysts, and also providing that the Court file was not to be searched without leave of a Judge.²

¹ *ELG v KLE* [2023] NZEmpC 211.

² At [37].

[2] The orders made on 23 November 2023 have been reviewed at intervals subsequently, most recently on 5 March 2024. On that day the parties requested an adjournment of the application to provide an opportunity to resolve the proceeding, and related proceedings in the Employment Relations Authority, but in the meantime requested that the orders previously made be extended by consent.

[3] My judgment of 5 March 2024 further extended the orders made on 23 November 2023 until 8 April 2024.³

[4] On 5 April 2024, the parties applied by joint memorandum for an adjournment and a further extension by consent of the orders previously made. The grounds for that application remain as before, namely progressing towards a settlement of this proceeding and the related proceedings in the Authority.

[5] In the circumstances, I am prepared to grant the application. By consent:

- (a) the hearing scheduled for 8 April 2024 is adjourned until 2.15 pm on 18 April 2024;
- (b) the orders made on 23 November 2023 and subsequently extended on 5 March 2024 are further extended until 18 April 2024 at which time, unless renewed, they will lapse; and
- (c) for the avoidance of doubt, the extension of those orders prohibits the publication of the judgment and the names of the parties or information that might identify them as well as directing that the Court file is not to be searched without the leave of a Judge.

[6] Costs are reserved.

K G Smith
Judge

Judgment signed at 2 pm on 8 April 2024

³ *ELG v KLE* [2024] NZEmpC 36.