



Employment Court of New Zealand

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Eden Group Limited v Jackson [2016] NZEmpC 157 (25 November 2016)

Last Updated: 2 December 2016

IN THE EMPLOYMENT COURT AUCKLAND

[\[2016\] NZEmpC 157](#)

EMPC 135/2016

IN THE MATTER OF proceedings removed from the
Employment Relations Authority

AND IN THE MATTER of an application by plaintiff for
orders regarding transfer and
possession of computer storage
devices and data

BETWEEN EDEN GROUP LIMITED Plaintiff

AND TIMOTHY NIGEL JACKSON First
Defendant

AND PHILLIP ANDREW KITE Second
Defendant

AND CHRISTOPHER JOHN BLACKMAN
Third Defendant

AND NEW SPACE LIMITED Fourth
Defendant

Hearing: On the papers - joint memorandum of counsel
filed on 16
November 2016

Representatives: J Billington QC and T Drake, counsel for plaintiff
B O'Callahan and Margaret Chen, counsel for
defendants

Judgment: 25 November 2016

INTERLOCUTORY JUDGMENT BY CONSENT OF JUDGE CHRISTINA INGLIS

[1] The plaintiff has filed an application seeking to vary existing orders to allow a computer forensic expert access to cloned copies of electronic hard drives and

associated material.

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November 2016]

[2] The parties have discussed matters and have reached an agreement, the terms of which are set out in a joint memorandum. The

parties have asked that their agreed terms be recorded in a consent judgment. The following orders are accordingly made by consent:

(a) Daniel Francis Ayers shall transfer to the possession and control of

Michael Anthony Chappell, Computer Forensic Expert:

(i) The computer storage devices and data, and all original forensic copies of the same, referred to at clause 6(a) and (d) of the Search Order sealed 23 May 2016 and paragraph 14 of the Oral Judgment (No 2) of Chief Judge Colgan dated 10 June

2016;

(ii) The two Apple iPhones, formerly used by two of the defendants, provided by the plaintiff to Daniel Francis Ayers;

(iii) All other computer storage devices purchased by Daniel Francis Ayers or any associated person, and used to store copies of data relating to this proceeding.

(b) Daniel Francis Ayers shall, within 48 hours of personal service of this order on him, take all steps necessary to effect physical transfer to the items referred to in paragraph (a) above to Michael Anthony Chappell.

(c) Costs relating to the plaintiff's application dated 14 October 2016 are

reserved.

Christina Inglis

Judge

Judgment signed at 9.20 am on 25 November 2016

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