



Employment Court of New Zealand

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Eden Group Limited v Jackson [2016] NZEmpC 58 (23 May 2016)

Last Updated: 6 July 2016

IN THE EMPLOYMENT COURT AUCKLAND

[\[2016\] NZEmpC 58](#)

EMPC 119/2016

IN THE MATTER OF an application for a search order

BETWEEN EDEN GROUP LIMITED Applicant

AND TIMOTHY NIGEL JACKSON First Respondent

AND PHILLIP ANDREW KITE Second Respondent

AND CHRISTOPHER JOHN BLACKMAN Third Respondent

AND NEW SPACE LIMITED Fourth Respondent

EMPC 120/2016

IN THE MATTER OF an application for a freezing order

AND BETWEEN EDEN GROUP LIMITED Applicant

AND TIMOTHY NIGEL JACKSON First Respondent

AND PHILLIP ANDREW KITE Second Respondent

AND CHRISTOPHER JOHN BLACKMAN Third Respondent

AND NEW SPACE LIMITED Fourth Respondent

EDEN GROUP LIMITED v TIMOTHY NIGEL JACKSON NZEmpC AUCKLAND [\[2016\] NZEmpC 58](#) [23

May 2016]

Hearing: On documents filed without notice to respondent
and in
Chambers on 23 May 2016

Appearances: T Drake and M Donovan, counsel for applicant

Judgment: 23 May 2016

ORAL JUDGMENT OF CHIEF JUDGE G L COLGAN

[1] This is a brief judgment determining the outcome of applications filed late last Friday afternoon, 20 May 2016. The applicant sought an urgent hearing of its applications for search and freezing orders which, on the evidence presented to the Court, I have granted.

[2] The applications have been considered and determined without notice of them to the respondents. I agreed to this course because the applicant has established, on the papers filed, that there is a risk that if notice of these proceedings was given to the respondents, documents might be disposed of or otherwise made unobtainable, and assets might be dispersed or otherwise alienated. The countervailing protections available to the respondents include the ability to apply to the Court, on short notice, to modify or set aside any orders made. Additionally, there is a relatively short period until the expiry of these orders. Earlier on the same day there will be a further hearing in open court at which the respondents will be able to be represented and the position then further considered with their input. In addition to that, the applicant has given an undertaking as to damages and has established its financial ability to meet any likely order that may be made pursuant to that undertaking.

[3] For more detailed reasons, which I will set out in a subsequent Reasons Judgment, I am satisfied that the applicant is entitled to the search and freezing orders in the draft forms filed but with some amendments that the Registrar and I will need to confirm before those orders are sealed and returned to the applicant for

execution. The amendments will be to paragraph 6(c) of the proposed freezing order and to paragraph 7 of the proposed search order. The purpose of the amendments to paragraph 6 of the proposed freezing order is to ensure that while there can be no dissipation or alienation of the respondents' assets pending further order of the Court, the business of New Space Limited including, but not restricted to, its employment of staff and continued trading can continue. The purpose of the amendment to paragraph 7 of the draft search order is to require the independent lawyer to report to the Court on the execution of the search order as soon as may be practicable after that event.

[4] The orders will expire at 4 pm on Friday 10 June 2016. The matter will be called again in open court at 10 am on that day, at which time the Court will expect the respondents to be able to appear and be represented, and to be heard by the Court on what is to happen thereafter.

[5] Costs will be reserved on this application.

GL Colgan
Chief Judge

Judgment delivered orally at 12.20 pm on Monday 23 May 2016