



# Employment Court of New Zealand

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## Ellish v Network Service Providers Limited [2021] NZEmpC 72 (17 May 2021)

Last Updated: 20 May 2021

IN THE EMPLOYMENT COURT OF NEW ZEALAND AUCKLAND

I TE KŌTI TAKE MAHI O AOTEAROA TĀMAKI MAKĀURAU

[\[2021\] NZEmpC 72](#)

EMPC 211/2020

IN THE MATTER OF	a challenge to a determination of the Employment Relations Authority
AND IN THE MATTER OF	an application to adjourn hearing
BETWEEN	CARL ELLISH Plaintiff
AND	NETWORK SERVICE PROVIDERS LIMITED Defendant

Hearing: 17 May 2021  
(Heard in Wellington by telephone)

Appearances: S Greening, counsel for plaintiff  
W Fussey, counsel for defendant

Judgment: 17 May 2021

INTERLOCUTORY JUDGMENT OF CHIEF JUDGE CHRISTINA INGLIS

(Application to adjourn hearing)

[1] This proceeding was set down for hearing in Auckland tomorrow, 18 May 2021. This morning counsel for the plaintiff filed an application for an adjournment. The application for an adjournment was opposed by the defendant and an urgent telephone hearing was convened.

[2] The adjournment was sought on the basis that counsel is unwell and suffering from flu-like symptoms. The basis for the defendant's opposition can be summarised as follows. The application has come at a very late stage; alternative arrangements in

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terms of representation could be made; and the defendant will be prejudiced by any adjournment (in terms of cost and stress).

[3] After hearing from the parties, I directed that the hearing be adjourned. While I accepted that the application came shortly before the hearing, and that an adjournment would likely cause inconvenience and cost to the defendant, I was not satisfied that alternative arrangements for representation could realistically be made. I also considered that prejudice to the defendant could appropriately be addressed by way of costs. Accordingly I considered that it was in the broader interests of justice to grant the application.

[4] The hearing was adjourned, costs reserved, and the Registrar was directed to liaise with counsel to schedule a further date for hearing in Auckland as soon as can conveniently be arranged.

Christina Inglis Chief Judge

Judgment signed at 2.05 pm on 17 May 2021

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