



Employment Court of New Zealand

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Harrisons Fine Art Limited v Carrothers [2014] NZEmpC 36 (5 March 2014)

Last Updated: 12 March 2014

IN THE EMPLOYMENT COURT AUCKLAND

[\[2014\] NZEmpC 36](#)

ARC 27/13

IN THE MATTER OF a challenge to a determination of the

Employment Relations Authority

BETWEEN HARRISONS FINE ART LIMITED Plaintiff

AND GAYE CASSIE CARROTHERS Defendant

Hearing: By written advice filed on 3 March 2014

Appearances: A Stuart, counsel for plaintiff

M B Beech, counsel for defendant

Judgment: 5 March 2014

JUDGMENT OF CHIEF JUDGE G L COLGAN

[1] By interlocutory judgment delivered on 21 October 2013,¹ the Court stayed the plaintiff's challenge unless, within 10 working days of that date, the plaintiff provided security for costs to the satisfaction of the Registrar.

[2] Security was not so provided. On 5 November 2013 the scheduled fixture for

14-15 November 2013 was vacated. By a further minute issued on 31 January 2014, following advice from counsel for the plaintiff that it would not provide security for costs, I directed that unless the plaintiff was able to persuade the Court, by the end of February 2014, that its challenge should not be dismissed for want of prosecution, this would be the likely outcome, subject to any applications for costs on the

challenge.

¹ [\[2013\] NZEmpC 195](#).

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[3] The plaintiff's solicitor has again confirmed that he has no instructions to make submissions and has reiterated that there is no prospect of security for costs being given. Counsel advised the Court that there is no possibility of the plaintiff continuing with the proceedings.

[4] In these circumstances, I am satisfied that it is just to dismiss the plaintiff's challenge, subject to any claim for costs by the defendant which, if it is to be considered, must be made on notice and within one month of the date of this judgment.

GL Colgan
Chief Judge

Judgment signed at 2.30 pm on Wednesday 5 March 2014

