



Employment Court of New Zealand

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Kang v Lee [2020] NZEmpC 221 (8 December 2020)

Last Updated: 14 December 2020

IN THE EMPLOYMENT COURT OF NEW ZEALAND AUCKLAND

I TE KŌTI TAKE MAHI O AOTEAROA TĀMAKI MAKĀURAU

[\[2020\] NZEmpC 221](#)

EMPC 209/2020

IN THE MATTER OF a challenge to a determination of
the Employment Relations
Authority
BETWEEN YOUNG GOO KANG
Plaintiff
AND KYOUNG YONG LEE
Defendant

EMPC 278/2020

IN THE MATTER OF an application for leave to extend time
to file a challenge to a determination of
the Employment Relations Authority
BETWEEN YOUNG GOO KANG
Applicant
AND KYOUNG YONG LEE
Respondent

Hearing: On the papers
Appearances: S Kang, counsel for Young Goo Kang
Kyoung Yong Lee in person
Judgment: 8 December 2020

CONSENT JUDGMENT OF JUDGE J C HOLDEN

[1] The parties have settled these proceedings and request that their agreement be recorded in a judgment by consent.

YOUNG GOO KANG v KYOUNG YONG LEE [\[2020\] NZEmpC 221](#) [8 December 2020]

[2] By consent, I make the following orders:

- (a) Both the Employment Relations Authority's substantive determination, dated 24 June 2020,¹ and its costs determination, dated 4 August 2020,² are set aside.
- (b) The firm of Powle & Hodson Lawyers is to release the funds held in its trust account in accordance with cl 2 of the parties' settlement agreement dated 3 December 2020.
- (c) Both the substantive and costs challenge proceedings in the Employment Court are at an end with no order for costs.

[3] The terms of this settlement are to be confidential between the parties except for the purpose of receiving the funds from Powle & Hodson Lawyers as above, and for the plaintiff to make a claim to the liquidators of his former employer, NZMEC Ltd.

[4] Pursuant to cl 12 of sch 3 of the [Employment Relations Act 2000](#), I direct that the file may only be searched by Order of the Court after consultation with the parties.

J C Holden Judge

Judgment signed at 2.15 pm on 8 December 2020

1 *Kang v Lee* [\[2020\] NZERA 244 \(Member Trotman\)](#).

2 *Kang v Lee* [\[2020\] NZERA 300 \(Member Trotman\)](#).

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