



Employment Court of New Zealand

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Lyttelton Port Company Limited v Pender [2018] NZEmpC 137 (16 November 2018)

Last Updated: 24 November 2018

IN THE EMPLOYMENT COURT
CHRISTCHURCH

[\[2018\] NZEmpC 137](#)
EMPC 331/2018

IN THE MATTER OF	a challenge to a determination of the Employment Relations Authority
AND IN THE MATTER OF	an application for stay of proceedings
BETWEEN	LYTTELTON PORT COMPANY LIMITED Plaintiff
AND	CARL FRANCIS PENDER Defendant

Hearing: On the papers
Appearances: T Mackenzie, counsel for
plaintiff J Goldstein, counsel for
defendant
Judgment: 16 November 2018

CONSENT INTERLOCUTORY JUDGMENT OF CHIEF JUDGE CHRISTINA INGLIS

(Application for Stay of Proceedings)

[1] By consent, there is an order staying execution of the Employment Relations Authority determinations on the following agreed conditions:1

- (a) The substantive and costs determinations of the Employment Relations Authority are stayed pending further order of this Court.
- (b) The remedies ordered of compensation of \$12,500, wages of \$800, and costs of \$8,000 are, within 14 calendar days of the date of this judgment, to be paid into the Employment Court trust account, to be

1. *Pender v Lyttelton Port Co Ltd* [2018] NZERA Christchurch 137 (substantive); *Pender v Lyttelton Port Co Ltd* [2018] NZERA Christchurch 161 (costs).

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held on interest-bearing deposit pending the outcome of the challenge. Any release is to be at the direction of the Court.

(c) The plaintiff will file an amended statement of claim incorporating a challenge to the costs determination within the applicable timeframe for doing so.2

(d) The parties will pursue the challenge(s) with all reasonable diligence.

[2] There will be no order for costs on this application.

Christina Inglis Chief Judge

Judgment signed at 12.45 pm on 16 November 2018

2. <www.employmentcourt.govt.nz/assets/Documents/Publications/Employment-Court-Practice-Directions-June-2018.pdf> at 12.

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