



Employment Court of New Zealand

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MGE New Zealand 2010 Limited v Campbell [2024] NZEmpC 192 (3 October 2024)

Last Updated: 9 October 2024

IN THE EMPLOYMENT COURT OF NEW ZEALAND AUCKLAND

I TE KŌTI TAKE MAHI O AOTEAROA TĀMAKI MAKĀURAU

[\[2024\] NZEmpC 192](#)

EMPC 469/2023

IN THE MATTER OF	an application for a search order
BETWEEN	MGE NEW ZEALAND 2010 LIMITED First Applicant
AND	MCKAY LIMITED Second Applicant
AND	JAMES LIMERICK CAMPBELL First Respondent
AND	JAYCEE ELECTRIX LIMITED Second Respondent

Hearing: On the papers
Appearances: D Grindle, counsel for applicants
J Browne, counsel for respondents
Judgment: 3 October 2024

CONSENT JUDGMENT OF JUDGE M S KING

[1] On 19 January 2024 a search order was granted to allow the applicants to search the premises of the second respondent, Jaycee Electrix Ltd, for specified electronic devices held by the respondents at these premises.¹ That application was heard urgently and without notice. Subsequently, the order made was confirmed and further orders were made varying what had been granted.²

1 *MGE New Zealand 2010 Ltd v McKay Ltd* [\[2024\] NZEmpC 5](#).

2 *MGE New Zealand 2010 Ltd v McKay Ltd* [\[2024\] NZEmpC 13](#).

MGE NEW ZEALAND 2010 LIMITED v JAMES LIMERICK CAMPBELL [\[2024\] NZEmpC 192](#) [3 October 2024]

[2] On 2 October 2024 the parties' representatives filed a joint memorandum in which they recorded resolutions have been reached on issues outstanding between them in all matters before the Court, subject to the Court making further orders.

[3] The orders sought were that:

- The 1,147 documents that were previously classified as "open" documents are confirmed as being available to the parties and are no longer subject to obligations of confidentiality. These documents are available for the investigation in the Employment Relations Authority.
- The independent computer consultant, Campbell McKenzie, is to discontinue the Reveal database electronic platform. However, Mr McKenzie is required to keep in his possession the cloned devices covered by the search order (including the downloaded copy of the search yields) until further order of the Authority or the Court.
- The interim non-publication order and the order that the Court file is not to be searched except with leave are both lifted. The parties are free to make any further application for non-publication orders to the Authority.
- A costs order is made against the respondents which requires them to pay the applicants the sum of \$14,340 on a

category 2, band B basis, with disbursements in the sum of \$4,611.41, totalling \$18,951.41.3

(e) The respondents are to abide by their undertaking to the Court to destroy all documents in their possession or control which contain the applicants' intellectual property to which the respondents have no claim or lawful entitlement, with the exception of the open documents and the documents provided by the respondents to their lawyers, Henderson Reeves. The respondents undertake that they have provided irrevocable

3. See "Employment Court of New Zealand Practice Directions" <www.employmentcourt.govt.nz> at No 18.

instructions to Henderson Reeves to destroy documents which contain the applicants' intellectual property to which the respondents have no claim or lawful entitlement at the conclusion of the litigation in the Employment Relations Authority, and to further refrain from using any such documents in the future.

[4] Having considered counsel's memorandum, I am satisfied it is appropriate for orders to be made as requested.

[5] Orders are made accordingly.

M S King Judge

Judgment signed at 4.30 pm on 3 October 2024

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URL: <http://www.nzlii.org/nz/cases/NZEmpC/2024/192.html>