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Mataura Valley Milk Limited v Scott [2022] NZEmpC 38 (9 March 2022)

Last Updated: 15 March 2022

IN THE EMPLOYMENT COURT OF NEW ZEALAND CHRISTCHURCH

I TE KŌTI TAKE MAHI O AOTEAROA ŌTAUTAHI

[\[2022\] NZEmpC 38](#)
EMPC 221/2020

IN THE MATTER OF an application for urgent search
 order without notice

BETWEEN MATAURA VALLEY MILK LIMITED
 Applicant

AND GRAHAM SCOTT
 Respondent

Hearing: On the papers
Appearances: J Smith QC and B Scotland, counsel for applicant
 L Scampion, counsel for Happy Valley Nutrition
 Ltd
Judgment: 9 March 2022

JUDGMENT OF JUDGE K G SMITH

[1] A search order was granted to Mataura Valley Milk Ltd against its former employee, Graham Scott, on 30 July 2020.¹ 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

[2] On 16 December 2021 the parties' representatives filed a joint memorandum in which they recorded resolutions having been reached on issues outstanding between them subject to the Court making further orders.

1 *Mataura Valley Milk Ltd v Scott* [\[2020\] NZEmpC 112](#).

2. *Mataura Valley Milk Ltd v Scott* [\[2020\] NZEmpC 120](#); *Mataura Valley Milk Ltd v Scott* [\[2020\] NZEmpC 140](#); *Mataura Valley Milk Ltd v Scott (No 2)* [\[2020\] NZEmpC 152](#); *Mataura Valley Milk Ltd v Scott (No 3)* [\[2021\] NZEmpC 67](#); *Mataura Valley Milk Ltd v Scott (No 4)* [\[2021\] NZEmpC 229](#).

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[3] At that time the parties sought to have the orders made on 30 July 2020 partially revoked so that the independent solicitor who was appointed was able to release certain items to Mataura Valley.

[4] The July 2020 order dealt with a personal laptop and charger. The request made by the parties in their memorandum of December 2021 dealt with all of the items held by the independent solicitor except the laptop and charger. At the request of the parties they were excluded from the order pending a further application.

[5] Further orders have now been sought by counsel for the applicant and Happy Valley Nutrition Ltd. The orders sought were that:

- (a) the independent solicitor be authorised to release the laptop and charger to the independent forensic expert, Campbell Ryan McKenzie, or any other person from Incident Response Solutions Ltd; and
- (b) Mr McKenzie, or any other person from Incident Response Solutions, be authorised to:
 - (i) receive the laptop and to wipe all data held on it; and

(ii) release the laptop and charger to counsel for Happy Valley following the completion of the process referred in paragraph [5](b)(i).

[6] Having considered counsel's memorandum and the provision of the draft order, I am satisfied it is appropriate for orders to be made as requested.

[7] Orders are made accordingly.

[8] There is no issue as to costs.

K G Smith Judge

Judgment signed at 9.10 am on 9 March 2022

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