



Employment Court of New Zealand

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Raymond v Pipes and ors AC35A/07 [2007] NZEmpC 76 (27 June 2007)

Last Updated: 21 July 2007

IN THE EMPLOYMENT COURT

AUCKLANDAC 35A/07ARC 18/07

IN THE MATTER OF an application for a compliance order

BETWEEN BRENDA RAYMOND

Plaintiff

AND ANTHONY TERENCE PIPES AND CHERYL PIPES

First Defendants

AND DESIGNLINK LIMITED (T/A RODNEY WAYNE HAIRDRESSING)

Second Defendant

Hearing: 27 June 2007

(Heard at Auckland)

Appearances: Mark Ryan, Counsel for Plaintiff

Richard Harrison, Counsel for Defendants

Judgment: 27 June 2007

ORAL INTERLOCUTORY JUDGMENT (NO 2) OF CHIEF JUDGE GL COLGAN

[1] This is the successor to the hearing on 13 June 2007 and hopefully the close of this matter. Mr and Mrs Pipes have now arranged to borrow the principal sum of \$16,000 and it appears that, if it has not been done so already, that will very shortly be paid electronically to the plaintiff's solicitor's trust account.

[2] The interest on the sum of \$16,000 to date, by the statutory formula, seems to be \$1,302.08 and that will be the sum payable for interest as Mr Pipes seems to accept from his affidavit if that sum is paid today. No doubt there is a daily rate of which Mr Ryan is aware that will continue to be added until that sum is paid.

[3] Mr and Mrs Pipes are prepared to consider the shortfall in the remedies of \$1,644 that Mr Ryan raised last time we were in Court, but Mr Ryan has not yet had an opportunity to provide substantiation detail in support of that. It is fair that the defendants be able to consider the plaintiff's case for that sum. I am therefore going to adjourn the proceeding to a further nominal date to give the parties an opportunity to resolve that matter as well as to ensure

that the other payments are in fact safely received by the plaintiff. The sum of \$1,644 is a not insignificant sum but also one that would clearly be not economic to argue further in Court about. I hope that there will be no need for the parties to be back in Court again on that nominal date which will be four weeks hence, Wednesday 25 July 2007, at 2.15 pm.

[4] That leaves the matter of costs on the enforcement application that Ms Raymond has brought and about which the parties do not agree, at least except as to disbursements. I accept that the plaintiff's application to enforce her judgment was properly brought and properly prosecuted. She should be compensated reasonably for the cost of preparing, filing and supporting that application, now on two afternoons in Court. So in addition to the disbursements of the Court filing fee of \$300, I think the interests of justice are met by making an award of costs in favour of the plaintiff against Mr and Mrs Pipes in the sum of \$1,000.

GL Colgan

Chief Judge

Judgment delivered orally at 2.32 pm on Wednesday 27 June 2007

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