



Employment Court of New Zealand

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Samuels v Employment Relations Authority [2019] NZEmpC 154 (1 November 2019)

Last Updated: 8 November 2019

IN THE EMPLOYMENT COURT OF NEW ZEALAND AUCKLAND

I TE KŌTI TAKE MAHI O AOTEAROA TĀMAKI MAKĀURAU

[\[2019\] NZEmpC 154](#)

EMPC 68/2018

IN THE MATTER OF	an application for judicial review
AND IN THE MATTER OF	an application for adjournment of a hearing
BETWEEN	ROLAND SAMUELS Applicant
AND	EMPLOYMENT RELATIONS AUTHORITY First Respondent
AND	CAROLYN LANG Second Respondent
AND	GOURMET FOODS LIMITED Third respondent

Hearing: 30 October 2019 (by telephone)
Appearances: Applicant in person
Appearance for respondents excused
J Catran, counsel assisting the Court, with M
Madden
Judgment: 1 November 2019

INTERLOCUTORY JUDGMENT (NO 3) OF CHIEF JUDGE CHRISTINA INGLIS

(Application for adjournment of a hearing)

[1] The applicant's judicial review proceeding was set down some time ago for hearing on 12 November 2019. On 15 October 2019 an application for an adjournment of a hearing was filed by Mr Samuels, who is now representing himself. The reasons for the application can be summarised as follows:

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- (a) Mr Samuels's previous advocate is said to have failed to keep him apprised of what was going on in the proceeding and he has been taken by surprise by various documents which he has now discovered have been filed.
- (b) Mr Samuels has surgery scheduled for 1 November 2019 and will be immobile for some six weeks following surgery.
- (c) Mr Samuels is now acting on his own behalf. He has not previously appeared in the Employment Court and considers he requires additional time to prepare for any hearing.

[2] Medical material was later filed in support of the application.

[3] I heard from Mr Samuels and from Ms Catran, counsel appointed to assist the Court (the respondents taking no active

role in the proceeding). In the circumstances, I considered it appropriate that the application be granted, primarily on the basis of Mr Samuels's health issues which would compromise his ability to actively participate in the hearing.

[4] The fixture is accordingly adjourned to a new date which will be set by the Registrar in due course in consultation with Mr Samuels and Ms Catran.

[5] Costs are reserved.

Christina Inglis Chief Judge

Judgment signed at 2 pm on 1 November 2019

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