



Employment Court of New Zealand

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Snowling v Scott Technology Limited [2023] NZEmpC 130 (16 August 2023)

Last Updated: 23 August 2023

IN THE EMPLOYMENT COURT OF NEW ZEALAND CHRISTCHURCH

I TE KŌTI TAKE MAHI O AOTEAROA ŌTAUTAHI

[\[2023\] NZEmpC 130](#)

EMPC 35/2023

IN THE MATTER OF a challenge to a determination of
the Employment Relations
Authority
AND IN THE MATTER OF an application for a stay of
proceedings
AND IN THE MATTER OF an application for security for costs
BETWEEN KENNETH SNOWLING
Plaintiff
AND SCOTT TECHNOLOGY LIMITED
Defendant

EMPC 227/2023

IN THE MATTER OF a challenge to a determination of the
Employment Relations Authority
BETWEEN SCOTT TECHNOLOGY LIMITED
Plaintiff
AND KENNETH SNOWLING
Defendant

Hearing: On the papers
Appearances: G Drewitt, counsel for plaintiff
J Farrow and J Cowan, counsel for
defendant
Judgment: 16 August 2023

CONSENT INTERLOCUTORY JUDGMENT OF JUDGE K G SMITH

(Applications for a stay of proceedings and security for costs)

KENNETH SNOWLING v SCOTT TECHNOLOGY LIMITED [\[2023\] NZEmpC 130](#) [16 August 2023]

[1] There are two matters before the Court; an application by Scott Technology Ltd for security for costs to be ordered against Kenneth Snowling and to review the application for the stay that was granted on 26 July 2023.1

[2] Counsel have filed a joint memorandum seeking from the Court orders by consent to dispose of both applications and relating to further mediation.

[3] The parties requested they be directed to mediation pursuant to ss 188(2)(b)–

(c) of the [Employment Relations Act 2000](#). That application is granted.

[4] As to the application for security for costs, the parties have agreed on the amount of the security to be provided and that

an order can be made. Accordingly, by consent, I order Mr Snowling to pay to the Registrar of this Court the amount of \$8,000 as security for costs subject to the following conditions:

- (a) Payment is to be made no later than **4 pm on 17 August 2023**.
- (b) The Registrar is to hold the sum in (a) in an interest-bearing account pending further order of the Court.

[5] As to the stay, which was granted subject to a condition that it would be reviewed, the parties have agreed that the order should be extended until the conclusion of the mediation referred to in para [3] above. By consent, I order that the stay granted on 26 July 2023 is extended and that it will lapse at the conclusion of the mediation the parties have been directed to attend.

[6] Leave is reserved to the parties to apply to vary or amend the orders made in this decision.

[7] Costs are reserved.

K G Smith Judge

Judgment signed at 4.20 pm on 16 August 2023

1 *Snowling v Scott Technology Ltd* [\[2023\] NZEmpC 113](#).

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