



# Employment Court of New Zealand

You are here: [NZLII](#) >> [Databases](#) >> [Employment Court of New Zealand](#) >> [2024](#) >> [\[2024\] NZEmpC 203](#)

[Database Search](#) | [Name Search](#) | [Recent Decisions](#) | [Noteup](#) | [LawCite](#) | [Download](#) | [Help](#)

## Soundhomes NZ Limited v Doughty [2024] NZEmpC 203 (25 October 2024)

Last Updated: 1 November 2024

IN THE EMPLOYMENT COURT OF NEW ZEALAND AUCKLAND

I TE KŌTI TAKE MAHI O AOTEAROA TĀMAKI MAKĀURAU

[\[2024\] NZEmpC 203](#)

EMPC 393/2024

|                      |   |
|----------------------|---|
| IN THE MATTER OF     | an application for a freezing order<br>and ancillary orders |
| AND IN THE MATTER OF | an application to vary orders                               |
| BETWEEN              | SOUNDHOMES NZ LIMITED<br>Applicant                          |
| AND                  | PHILIP CARL DOUGHTY<br>First Respondent                     |
| AND                  | PROCLADD EXTERIOR SOLUTIONS<br>LIMITED<br>Second Respondent |
| AND                  | BLACKDOG FINISHES LIMITED<br>Third Respondent               |
| AND                  | PREVENT SERVICES LIMITED<br>Fourth Respondent               |

Hearing: On the papers

Appearances: J Leenoh and M Bouzaid, counsel for applicant  
MC Donovan and D Montepara, counsel for  
respondents

Judgment: 25 October 2024

JUDGMENT (NO 3) OF JUDGE B A CORKILL

(Application to vary orders)

[1] Yesterday I extended a pre-existing freezing order, by consent.<sup>1</sup> This extension was for a limited period, that is until 10 am today, so that a joint memorandum could

<sup>1</sup> *Soundhomes NZ Ltd v Doughty (No 2)* [\[2024\] NZEmpC 201](#).

SOUNDHOMES NZ LIMITED v PHILIP CARL DOUGHTY [\[2024\] NZEmpC 203](#) [25 October 2024]

be filed by counsel with regard to orders and directions they consider should apply for the period from now until 19 November 2024.

[2] Late yesterday, I received a joint memorandum of counsel which outlines the consensus which has been reached between the parties as to the way forward.

[3] The parties agree that freezing orders should continue until 19 November 2024, with a hearing taking place the previous day to determine whether the order should continue, as the applicant asserts, or whether it should not continue, as the respondents assert.

[4] It is agreed that in the interim, two Bank of New Zealand accounts should be removed from the freezing order for the purposes of receiving and paying ordinary living and business expenses, with the respondents undertaking that the unfrozen accounts will only be used for the purposes of receiving and paying living and business expenses, and will not be used to redirect funds from frozen accounts. The undertaking to this effect has been filed.

[5] It is also agreed that the sale proceeds of a Chevrolet vehicle will be paid into the Court as security for costs.

[6] An amended order has been filed to reflect the agreed arrangements. In the particular circumstances, I approve its contents. The order will take effect at 10 am today, and continue until 10 am on 19 November 2024.

[7] The respondents' solicitor is to pay \$170,000 as security for costs to the Registrar who is to hold the funds in an interest-bearing account until further order of the Court.

[8] The issue as to whether the freezing order will continue will be reviewed at 10 am on 18 November 2024. For the purposes of that hearing:

(a) the parties are to file and serve further affidavits by 4 pm on 1 November 2024; and

(b) the parties are to file and serve submissions relating to the risk of dissipation by 4 pm on 13 November 2024.

[9] I reserve leave to the parties to apply for any necessary amendments of the freezing order or directions prior to the hearing date, on reasonable notice.

[10] This judgment, and the order which I now make, are to be served immediately on the relevant banks.

[11] Costs are reserved.

B A Corkill Judge

Judgment signed at 10 am on 25 October 2024

---

NZLII: [Copyright Policy](#) | [Disclaimers](#) | [Privacy Policy](#) | [Feedback](#)

URL: <http://www.nzlii.org/nz/cases/NZEmpC/2024/203.html>