



# Employment Court of New Zealand

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## Surplus Brokers Limited v Armstrong [2019] NZEmpC 78 (1 July 2019)

Last Updated: 5 July 2019

IN THE EMPLOYMENT COURT OF NEW ZEALAND AUCKLAND

I TE KŌTI TAKE MAHI O AOTEAROA TĀMAKI MAKĀURAU

[\[2019\] NZEmpC 78](#)

EMPC 148/2019

IN THE MATTER OF	a challenge to determinations of the Employment Relations Authority
AND IN THE MATTER OF	an application for stay of execution of determinations of the Employment Relations Authority
BETWEEN	SURPLUS BROKERS LIMITED Plaintiff
AND	JOHN NEIL ARMSTRONG Defendant

Hearing: On the papers

Appearances: S-J Neville, counsel for plaintiff  
L Anderson, counsel for  
defendant

Judgment: 1 July 2019

INTERLOCUTORY JUDGMENT (NO 2) OF CHIEF JUDGE CHRISTINA INGLIS

(Application for stay of execution)

[1] The plaintiff seeks orders staying execution of two determinations of the Employment Relations Authority.<sup>1</sup> The plaintiff is content for the application to be granted on condition that the remedies and costs awarded by the Authority are paid into Court pending the outcome of the plaintiff's challenge.

1. *Armstrong v Surplus Brokers Ltd* [\[2019\] NZERA 235](#) (substantive); *Armstrong v Surplus Brokers Ltd* [\[2019\] NZERA 355](#) (costs).

SURPLUS BROKERS LIMITED v JOHN NEIL ARMSTRONG [\[2019\] NZEmpC 78](#) [1 July 2019]

[2] The defendant has confirmed that he consents to a stay and it is appropriate that one be granted in the circumstances.

[3] There will accordingly be an order staying execution of the substantive and costs determinations of the Employment Relations Authority on the following conditions:

(a) Within a period of 14 days of the date of this judgment the plaintiff will deposit the sum of \$12,500 into the Employment Court.

(b) The monies referred to in [3](a) will be held in an interest-bearing account and will be paid out on further order of a Judge of the Employment Court or on receipt by the Court of a joint memorandum signed by both parties' representatives.

(c) The plaintiff's challenge is to be pursued diligently.

[4] Costs on this application are reserved.

Christina Inglis Chief Judge

Judgment signed at 10 am on 1 July 2019

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