



Employment Court of New Zealand

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TPT Forests Limited v Penfold [2023] NZEmpC 116 (2 August 2023)

Last Updated: 7 August 2023

IN THE EMPLOYMENT COURT OF NEW ZEALAND AUCKLAND

I TE KŌTI TAKE MAHI O AOTEAROA TĀMAKI MAKĀURAU

[\[2023\] NZEmpC 116](#)

EMPC 334/2020

IN THE MATTER OF an application for search
orders
BETWEEN TPT FORESTS LIMITED
First Applicant
AND TPT GROUP LIMITED
Second Applicant
AND CRAIG PENFOLD
First Respondent
AND SIMON STRONGE
Second Respondent

EMPC 5/2022

IN THE MATTER OF proceedings removed from the
Employment Relations Authority
BETWEEN TPT FORESTS LIMITED
First Plaintiff
AND TPT GROUP LIMITED
Second Plaintiff
AND CRAIG PENFOLD
First Defendant
AND SIMON STRONGE
Second Defendant

Hearing: On the papers
Appearances: P Skelton KC and R Upton, counsel for applicants/plaintiffs
S Foote KC and T Refoy-Butler, counsel for first
respondent/first defendant
S Langton and R L White, counsel for second
respondent/second defendant
Judgment: 2 August 2023

TPT FORESTS LIMITED v CRAIG PENFOLD [\[2023\] NZEmpC 116](#) [2 August 2023]

CONSENT JUDGMENT OF JUDGE J C HOLDEN

[1] The parties have advised that, following a private mediation on 5 May 2023, they have reached a settlement of all parties' claims, in both EMPC 334/2020 and EMPC 5/2022. They have filed a joint memorandum with this Court seeking

orders by consent.

[2] Accordingly, the following orders are now made:

(a) The “yield” seized and cloned pursuant to the search order obtained in the matter EMPC 334/2020 and held by the independent solicitors, Mr Blair Edwards and Mr William Buckley of Edwards Law, is to be destroyed. The independent solicitors shall provide written confirmation of destruction of the yield to the parties and the Court within 10 working days of this judgment. The term “yield” includes all forensic copies and other information obtained by the plaintiffs in the execution of the search order on 12 November 2020, which are held by Edwards Law.

(b) Both proceedings are dismissed with no issue as to costs.

J C Holden Judge

Judgment signed at 2.30 pm on 2 August 2023

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