



Employment Court of New Zealand

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Tillmans Fine Furniture Limited v Rookes [2024] NZEmpC 207 (4 November 2024)

Last Updated: 8 November 2024

IN THE EMPLOYMENT COURT OF NEW ZEALAND CHRISTCHURCH

I TE KŌTI TAKE MAHI O AOTEAROA ŌTAUTAHI

[\[2024\] NZEmpC 207](#)

EMPC 361/2024

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 execution
BETWEEN	TILLMANS FINE FURNITURE LIMITED Plaintiff
AND	CINDY ROOKES Defendant

Hearing: 4 November 2024
(Heard at Christchurch by telephone)

Appearances: K Dalziel, counsel for plaintiff
A Kersjes, advocate for defendant

Judgment: 4 November 2024

CONSENT INTERLOCUTORY JUDGMENT OF JUDGE K G SMITH

(Application for a stay of execution)

[1] On 22 August 2024, the Employment Relations Authority issued a determination concluding that Cindy Rookes was unjustifiably dismissed by Tillmans Fine Furniture Ltd.¹

[2] Tillmans was ordered to pay Ms Rookes three weeks' wages and compensation pursuant to [s 123\(1\)\(c\)\(i\)](#) of the [Employment Relations Act 2000](#).

¹ *Rookes v Tillmans Fine Furniture Ltd* [\[2024\] NZERA 504 \(Member Vincent\)](#).

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[3] Tillmans has challenged the determination.

[4] At a telephone directions conference on 4 November 2024, Ms Dalziel and Mr Kersjes made an oral application for an order by consent staying the execution of the determination subject to the following conditions:

(a) The plaintiff paying to the Registrar of this Court the agreed sum of

\$17,625.

(b) Payment of the sum referred to in (a) being made to the Registrar no later than seven days from the date of this decision.

(c) The sum in (a), once paid, being held by the Registrar in an interest-bearing account pending further order of the Court or written agreement of the parties.

[5] I am satisfied that it is appropriate to grant a stay on the proposed conditions with one addition: for the avoidance of doubt, if the payment referred to in paragraph [4](a) above is not made within the stipulated time this order will lapse without either party needing to make a further application.

[6] Orders are made accordingly.

[7] There is no issue as to costs.

K G Smith Judge

Judgment signed at 3 pm on 4 November 2024

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