



Employment Court of New Zealand

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Tru-Test Limited v Callingham [2018] NZEmpC 21 (19 March 2018)

Last Updated: 29 March 2018

IN THE EMPLOYMENT COURT
WELLINGTON

[\[2018\] NZEmpC 21](#)
EMPC 76/2018

IN THE MATTER OF	an applicaton for preservation orders
BETWEEN	TRU-TEST LIMITED Applicant
AND	NICHOLAS FRANCIS CALLINGHAM Respondent
AND	CENTRAL COOLING AND HEATING LIMITED Second Respondent

Hearing: 19 March 2018
Appearances: M O'Brien, counsel for the applicant
A Laurensen, counsel for the respondents
Judgment: 19 March 2018

JUDGMENT OF JUDGE K G SMITH

[1] On 9 March 2018 the application by Tru-Test Limited for preservation orders was granted subject to conditions.¹ Briefly, Tru-Test sought preservation orders on the basis that its former employee, Nicholas Callingham, had removed and retained its property in breach of his employment agreement and a confidentiality agreement.²

[2] Tru-Test's allegations can be summarised as Mr Callingham removing and retaining its property consisting of, among other things, customer lists, quotations, supplier pricing, a spreadsheet, confidential GPS data and technical drawings for milk vats.

1 *Tru-Test Ltd v Callingham* [\[2018\] NZEmpC 15](#).

2 At [2].

TRU-TEST LIMITED v NICHOLAS FRANCIS CALLINGHAM NZEmpC WELLINGTON [\[2018\] NZEmpC 21](#) [19 March 2018]

[3] Orders were made on an interim basis pending a review today.

[4] Arrangements are being made to preserve Tru-Test's property to the satisfaction of all parties and the only unresolved matter is costs. Consequently, there is no contest to the order being made permanent, subject to minor amendments for clarity. First, [3](c) of the order is to be amended to delete references to printing documents so that it applies only to documents existing in electronic form being downloaded to a memory stick. Second, the duplication of references to costs is addressed by deleting [3](e), so that costs are reserved.

[5] The following orders are made:

- (a) The preservation order made on an interim basis on 9 March 2018 is now a permanent order subject to the deletions of [3](c) and [3](e).
- (b) Leave is reserved to either party to seek further or other orders on reasonable notice.

(c) Costs are reserved. If they are sought memoranda can be filed.

K G Smith Judge

Judgment signed at 3.30 pm on Monday 19 March 2018

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