



Employment Court of New Zealand

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Twentyman v The Warehouse Limited [2015] NZEmpC 229 (17 December 2015)

Last Updated: 18 December 2015

IN THE EMPLOYMENT COURT AUCKLAND

[\[2015\] NZEmpC 229](#)

EMPC 55/2015

IN THE MATTER OF a challenge to a determination of the
Employment Relations Authority

AND IN THE MATTER of an application for an order for
security for costs

AND IN THE MATTER of a stay of execution of the
determination of the Employment
Relations Authority

BETWEEN BARBARA TWENTYMAN Plaintiff

AND THE WAREHOUSE LIMITED
Defendant

Hearing: 17 December 2015
(Heard at Auckland by telephone conference
call)

Appearances: Plaintiff in person
M McGoldrick, counsel for defendant

Judgment: 17 December 2015

INTERLOCUTORY JUDGMENT (NO 2) OF CHIEF JUDGE G L COLGAN

[1] Because I clarify and add to the terms of the Court's interlocutory judgment issued on 8 October 2015,¹ the outcome of today's directions conference is also in the form of an interlocutory judgment.

[2] In that earlier judgment the Court required the plaintiff to either pay into

court an amount equivalent to the Employment Relations Authority's costs award,²

¹ *Twentyman v The Warehouse Ltd* [2015] NZEmpC 178.

² *Twentyman v The Warehouse Ltd* [2015] NZERA Auckland 112 (costs); *Twentyman v The Warehouse Ltd* [2015] NZERA Auckland 39 (substantive).

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or to give security for that sum.³ There was no time limit imposed for doing so. Paragraph [38] of that earlier interlocutory judgment said:

Anticipating that these matters of security will be able to be attended to, if not completed, within two months, the Registrar is to arrange a further directions conference with a Judge about 10 weeks hence to progress the matter and, in particular, to institute a

hearing management regime under the Regulations.

[3] Although the defendant understood that instruction to constitute a two-month time limit within which the plaintiff had to comply, and the plaintiff interpreted it to require her to attend to matters of security before the next directions conference, I should clarify the position that no time limit was intended in the sense that, following the expiry of a period, the stay ordered by the Court would lapse.

[4] Ms Twentyman has made substantial progress in arranging security for costs. Again for the sake of clarity, I should confirm that the adequacy of such security is to be a matter determined by the Registrar, as is usual in these sorts of cases. The Registrar has indicated that she is likely to require Ms Twentyman to provide evidence of the values of the motor vehicles which are the subject of the security and Ms Twentyman has agreed to attend to this.

[5] Further interactions with the Court about the question of security should be with the Registrar in the first instance.

[6] There will be a further telephone directions conference at 9 am on Friday

5 February 2016 by which time it is anticipated that issues of security will have been settled to the satisfaction of the Registrar, and on which occasion the Court is hopeful of making progress towards a fixture of the challenge.

[7] I record, also, that Ms Twentyman has complained about extensive private investigator surveillance of her movements which she attributes to the defendant. Mr McGoldrick has advised the Court that he has no knowledge of such matters emanating from his client. In these circumstances, Ms Twentyman has been advised

to seek legal advice about her complaints and she has agreed to do so.

3 *Twentyman*, above n 1 at [36].

[8] The stay directed by the Court's judgment of 8 October 2015 remains in place

until at least 5 February 2016.

[9] Leave is reserved for either party to make any further application for directions or orders on reasonable notice.

GL Colgan
Chief Judge

Judgment signed at 11.45 am on Thursday 17 December 2015

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