

**Attention is drawn to the
order prohibiting publication
of certain information in this
determination**

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

**[2016] NZRA Auckland 311
5639047**

BETWEEN

WEBWONKS LIMITED
Applicant

AND

STEFAN PONINGHAUS
First Respondent

BEYOND D (NZ) LIMITED
T/A FIRST DIGITAL
Second Respondent

Member of Authority: T.G.Tetitaha
Representatives: R Upton, counsel for Applicant
G Finnigan, counsel for Respondent
Investigation Meeting: On the papers
Determination: 13 September 2014

CONSENT DETERMINATION OF THE AUTHORITY

[1] Webwonks Limited has filed urgent proceedings against Stefan Poninghaus and Beyond D (NZ) Limited trading as First Digital seeking to enforce a non-compete provision in Mr Poninghaus' employment agreement.

[2] The parties attended urgent mediation and have resolved matters. Part of the resolution is that Stefan Poninghaus has agreed to honour aspects of the non-compete provision, among other things. Beyond that the terms are intended to be strictly confidential.

[3] The terms of settlement annexed to this determination contains the orders of the Authority.

[4] Pursuant to clause 10 of Schedule 2 of the Employment Relations Act 2000, there is an order that the contents of the annexed terms of settlement are to be kept confidential to the parties. They may not be published in any form by any person.

[5] This determination is enforceable under s 137(1)(b) of the Employment Relations Act 2000.

TG Tetitaha
Member of the Employment Relations Authority

