

**IN THE EMPLOYMENT COURT
AUCKLAND**

**[2014] NZEmpC 217
ARC 108/10**

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

BETWEEN JUDITH BRAKE
 Plaintiff

AND GRACE TEAM ACCOUNTING
 LIMITED
 Defendant

Judgment: 24 November 2014

JUDGMENT OF JUDGE M E PERKINS

[1] In a judgment of this Court dated 4 September 2013,¹ the defendant was granted a stay of execution of earlier judgments of this Court dated 13 May 2013,² and 4 June 2013.³ The stay was granted on the basis that the defendant had applied to the Court of Appeal for leave to appeal the decisions of the Court. Such leave was subsequently granted. The appeal has now been heard by the Court of Appeal and the appeal was dismissed.

[2] In addition to an order staying execution of the judgments of the Court the defendant was ordered to pay the monetary awards against it totalling \$101,000 to the Registrar of the Employment Court at Auckland. That payment was then to be placed by the Registrar into an interest-bearing account. The funds were to be held by the Registrar until further order of the Court giving directions as to how the sums were to be disbursed.

¹ *Brake v Grace Team Accounting Limited* [2013] NZEmpC 163.

² *Brake v Grace Team Accounting Limited* [2013] NZEmpC 81.

³ *Brake v Grace Team Accounting Limited* [2013] NZEmpC 98.

[3] The orders made by this Court staying execution of the judgments and ordering funds to be held were made by consent between the parties.

[4] As the appeal has now been finalised, the defendant consents to the stay order being discharged and the funds held by the Registrar being paid to a bank account nominated by the plaintiff. Accordingly, there will be an order by consent discharging the order for stay of execution. The sum of \$101,000 together with the interest earned is to be paid to the plaintiff. The plaintiff, or her representative, may contact the Registrar to indicate how she wishes to receive the funds.

M E Perkins
Judge

Judgment signed at 2.30pm on 24 November 2014