

**IN THE EMPLOYMENT COURT
WELLINGTON**

**[2014] NZEmpC 84
WRC 17/13**

IN THE MATTER OF	a challenge to a determination of the Employment Relations Authority
BETWEEN	WORKFORCE DEVELOPMENT LIMITED Plaintiff
AND	LYNDA HILL Defendant

Hearing: On the papers filed on 26 May 2014

Appearances: S Webster, counsel for plaintiff
P O'Sullivan, advocate for defendant

Judgment: 29 May 2014

INTERLOCUTORY JUDGMENT (NO 2) OF JUDGE CHRISTINA INGLIS

[1] The defendant has sought leave to file an amended statement of defence. In my earlier interlocutory judgment I identified difficulties with the defendant's draft pleadings, including that they did not adequately particularise the alleged disadvantage or the relief sought in relation to it.¹ I indicated that leave would be granted if these matters were adequately addressed, for the reasons set out in my judgment.

[2] A revised amended statement of defence has now been filed. Counsel for the plaintiff does not concede that the proposed pleadings are in proper form, although does not detail why this is so, and submits that leave ought not to be granted. A detailed response to the amended pleadings is set out in counsel's memorandum.

¹ *Workforce Development Ltd v Hill* [2014] NZEmpC 78.

[3] I am satisfied that the amended pleadings are adequate. Leave is accordingly granted to file the second amended statement of defence.

[4] In my earlier judgment I directed that the plaintiff was to have ten working days following service of any amended pleadings to file and serve any response (which it has now done) and to advise the Court, through the Registrar, as to whether it wished to recall any witnesses or call further evidence in light of the amended pleadings.

[5] I am advised that counsel for the plaintiff has confirmed with the Registrar that the plaintiff has elected not to recall any witnesses or call further evidence of fact, and has expressed the view that the matter should now proceed to a hearing of final submissions on Monday 23 June 2014.

[6] In the circumstances the tentative hearing date of 23 June 2014 in Wellington is confirmed. Final submissions will be heard on that date.

Christina Inglis
Judge

Judgment signed at 3.30 pm on 29 May 2014