

**IN THE EMPLOYMENT COURT
AUCKLAND**

**[2015] NZEmpC 40
EMPC 288/2014**

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

AND IN THE MATTER of a stay of proceedings and an application
 to amend pleadings

BETWEEN RITCHIES TRANSPORT
 Plaintiff

AND KEERITIHI MERENNAGE
 Defendant

Hearing: By consent memorandum filed on 30 March 2015

Appearances: G Mayes and K Amodeo, counsel for plaintiff
 H White, counsel for defendant

Judgment: 31 March 2015

CONSENT JUDGMENT OF JUDGE CHRISTINA INGLIS

[1] Counsel have filed a joint memorandum in relation to the plaintiff's application seeking leave to file an amended statement of claim and for a stay. The defendant consents to the making of the orders sought by the plaintiff.

[2] Having regard to the matters set out in the joint memorandum, the following orders are made by consent. The plaintiff is granted leave to file an amended statement of claim, solely to expand its existing challenge to include the issue of costs (which has now been determined by the Employment Relations Authority). An amended statement of claim must be filed within seven days of today's date. The defendant will then have the usual period of time within which to file a statement of defence to the amended statement of claim.

[3] Execution of the costs determination of the Authority¹ is stayed on condition that, within seven days of today's date, the plaintiff pays the sum of \$6,854.56 to the Registrar of the Employment Court at Auckland, to be held on interest bearing deposit and to be paid out only at the direction of a Judge of the Employment Court or by written agreement of the parties.

[4] Leave is reserved for either party to apply, on reasonable notice, for any further directions or orders.

Christina Inglis
Judge

Judgment signed at 9.30 am on 31 March 2015

¹ *Merrenage v Ritchies Transport Holdings Ltd* [2015] NZERA Auckland 50.