

**IN THE EMPLOYMENT COURT
AUCKLAND**

**[2015] NZEmpC 68
EMPC 41/2015**

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

BETWEEN KEVIN MCDONALD & ASSOCIATES
 Plaintiff

AND ALAN RUTHERFORD JOHNSON
 Defendant

Hearing: On papers filed on 8 and 11 May 2015

Appearances: K McDonald, counsel for plaintiff
 P Wicks QC, counsel for defendant

Judgment: 15 May 2015

CONSENT JUDGMENT OF JUDGE CHRISTINA INGLIS

[1] The plaintiff has filed a challenge to a determination of the Employment Relations Authority.¹ The challenge will involve an examination of financial information relating to client matters (which are subject to privilege) and information relating to the operation of the plaintiff’s business, which is commercially sensitive.

[2] The parties have requested that the Court make a number of orders pursuant to cl 12 of sch 3 to the Employment Relations Act 2000 (the Act). That provision enables the Court to order that “all or any part of any evidence given or pleadings filed or the name of any party or witness or other person not be published,” subject to such conditions as the Court thinks fit.

[3] The following orders are made by consent, and on the terms agreed by the parties, pursuant to cl 12 of sch 3 to the Act:

¹ *Johnson v Kevin McDonald & Associates* [2015] NZERA Auckland 15.

- (a) The defendant, the defendant's counsel, and the defendant's solicitors agree to keep confidential all financial and client information supplied to them by the plaintiff in relation to the employment dispute between the plaintiff and the defendant.
- (b) The financial and client information may be disclosed to the defendant, the defendant's counsel, the defendant's solicitor, or to any expert engaged by the defendant for the purposes of this litigation.
- (c) At the conclusion of the proceeding (EMPC 41/2015), all of the plaintiff's financial and client information held by the defendant, the defendant's counsel, the defendant's solicitor, and the defendant's experts in relation to the employment dispute between the parties will be destroyed.
- (d) The file is not to be searched without leave of the Court and the parties are to be given 72 hours' notice of any application to search the Court file so that they may make submissions on such application.

[4] The parties sought further orders by consent that in any judgment of the Court, any reference to any client of the plaintiff will be anonymised (ie referred to by initials or other description either agreed between the parties or ordered by the Court) and that all financial and client information will be redacted from any judgment. I am not persuaded to make such additional orders at this stage. Leave is however reserved for the parties to bring these matters back before the trial Judge, who can consider (at an appropriate time) the extent to which such orders may be necessary.

Christina Inglis
Judge

Judgment signed at 10.15 am on Friday 15 May 2015