

**IN THE EMPLOYMENT COURT
WELLINGTON**

**[2014] NZEmpC 178
WRC 8/14**

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

BETWEEN NCF INTERNATIONAL LIMITED
 Plaintiff

AND IAN DAVID CARDNO
 Defendant

WRC 9/14

BETWEEN NCF INTERNATIONAL LIMITED
 Plaintiff

AND JOHN JOSEPH WOLYNCEWICZ
 Defendant

Hearing: (on the papers by a minute dated 27 August 2014)

Judgment: 22 September 2014

JUDGMENT OF JUDGE A D FORD

[1] In a minute dated 27 August 2014, I made an order that unless the Court heard further from the plaintiff within 10 days from the date of service of that minute then the proceedings and the plaintiff's application for a stay would be struck out. That period has now expired and the Court has heard nothing further from the plaintiff.

[2] The plaintiff's challenge to a determination of the Employment Relations Authority dated 28 January 2014 was filed on 24 February 2014 along with an

application for a stay of proceedings.¹ At that stage Ms Zhenzhen Chen of Auckland had been acting as the plaintiff's solicitor. On 28 March 2014, however, Ms Chen filed an application seeking leave to withdraw as counsel on the grounds that she had received a "Notice of Termination" dated 20 March 2014. Chief Judge Colgan granted leave for Ms Chen to withdraw as counsel and his Honour substituted the plaintiff's address of service thenceforth as Level 3, 86 Victoria Street, Wellington.

[3] The defendants' duly filed their statements of defence and a notice of opposition in response to the plaintiff's application for stay of proceedings.

[4] The Registrar subsequently made extensive efforts to try and contact the plaintiff or its known Director, Mr Bihua Fu, but those efforts have proved unproductive.

[5] In the circumstances, and pursuant to my unless order of 27 August 2014, I now strike out the plaintiff's proceedings and the application for a stay.

[6] If they so desire, the defendants are free to make an application for costs.

A D Ford
Judge

Judgment signed at 3.30 pm on 22 September 2014

¹ *Cardno v NCF International Ltd* [2014] NZERA Wellington 10.