

**IN THE EMPLOYMENT COURT OF NEW ZEALAND
AUCKLAND**

**I TE KŌTI TAKE MAHI O AOTEAROA
TĀMAKI MAKĀURAU**

**[2023] NZEmpC 116
EMPC 334/2020**

IN THE MATTER OF an application for search orders

BETWEEN TPT FORESTS LIMITED
 First Applicant

AND TPT GROUP LIMITED
 Second Applicant

AND CRAIG PENFOLD
 First Respondent

AND SIMON STRONGE
 Second Respondent

EMPC 5/2022

IN THE MATTER OF proceedings removed from the Employment
 Relations Authority

BETWEEN TPT FORESTS LIMITED
 First Plaintiff

AND TPT GROUP LIMITED
 Second Plaintiff

AND CRAIG PENFOLD
 First Defendant

AND SIMON STRONGE
 Second Defendant

Hearing: On the papers

Appearances: P Skelton KC and R Upton, counsel for applicants/plaintiffs
 S Foote KC and T Refoy-Butler, counsel for first respondent/first
 defendant
 S Langton and R L White, counsel for second respondent/second
 defendant

Judgment: 2 August 2023

CONSENT JUDGMENT OF JUDGE J C HOLDEN

[1] The parties have advised that, following a private mediation on 5 May 2023, they have reached a settlement of all parties' claims, in both EMPC 334/2020 and EMPC 5/2022. They have filed a joint memorandum with this Court seeking orders by consent.

[2] Accordingly, the following orders are now made:

- (a) The "yield" seized and cloned pursuant to the search order obtained in the matter EMPC 334/2020 and held by the independent solicitors, Mr Blair Edwards and Mr William Buckley of Edwards Law, is to be destroyed. The independent solicitors shall provide written confirmation of destruction of the yield to the parties and the Court within 10 working days of this judgment. The term "yield" includes all forensic copies and other information obtained by the plaintiffs in the execution of the search order on 12 November 2020, which are held by Edwards Law.
- (b) Both proceedings are dismissed with no issue as to costs.

J C Holden
Judge

Judgment signed at 2.30 pm on 2 August 2023