

**ORDER PROHIBITING PUBLICATION OF NAME AND IDENTIFYING
DETAILS OF BOTH PARTIES**

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

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

**[2023] NZEmpC 178
EMPC 261/2023**

IN THE MATTER OF an application for a freezing order and
ancillary order

AND IN THE MATTER OF an application to adjourn the hearing

AND IN THE MATTER OF an application to continue and renew
orders

BETWEEN DOWNER NEW ZEALAND LIMITED
Applicant

AND JOSEPH KING
Respondent

Hearing: On the papers

Appearances: B Keown and E Martin, counsel for applicant
K Dunn and MOC Lister, counsel for respondent

Judgment: 17 October 2023

**JUDGMENT (NO 4) OF JUDGE K G SMITH
(Application to adjourn and continue and renew orders)**

[1] On 2 August 2023, I granted without notice a freezing and ancillary orders relating to the assets of the respondent.¹ On 10 August 2023, those orders were extended by consent until 17 August 2023 and were then, on that date, extended again

¹ *Downer New Zealand Ltd v King* [2023] NZEmpC 117.

by consent until 17 October 2023.² The orders were extended to provide an opportunity for the parties to attempt to resolve the matters which had been raised by the application.

[2] By joint memorandum of counsel dated 16 October 2023 the parties requested an adjournment of the hearing scheduled for 17 October 2023 to facilitate discussions between them, but in the meantime also sought by agreement to extend the orders for a further period.

[3] Accordingly by consent, the following orders are made:

(a) The freezing order dated 2 August 2023 is to continue subject to the following amendments:

(i) Paragraph [8] of the orders is amended to read:

The freezing order will have no effect after **5 pm on Tuesday 31 October 2023**, unless on that date it is continued or renewed.

(ii) Paragraph [13] of the orders is amended to read:

There is to be no publication of the names of the parties, any details that would tend to identify them and any circumstances leading to these orders, except by the applicant for the purposes of enforcing the freezing orders or recovering the relevant funds until **5 pm on Tuesday 31 October 2023**, unless on that date non-publication is continued.

(b) The hearing scheduled for 17 October 2023 is vacated and appearances are excused. The hearing will be rescheduled for **8.30 am on 31 October 2023**.

[4] Leave is reserved to apply to seek to vary the orders made.

² *Downer New Zealand Ltd v King (No 2)* [2023] NZEmpC 124; and *Downer New Zealand Ltd v King (No 3)* [2023] NZEmpC 131.

[5] Costs are reserved.

K G Smith
Judge

Judgment signed at 10.15 am on 17 October 2023