

**IN THE EMPLOYMENT COURT
AUCKLAND**

**[2011] NZEmpC 133
ARC 50/11**

IN THE MATTER OF an application without notice for a freezing
order

BETWEEN MASON ENGINEERS (NZ) LIMITED
Plaintiff

AND KAREN MARGARET HODGSON
Defendant

Hearing: 20 October 2011
(Heard at Auckland)

Counsel: Claire Mansell, counsel for plaintiff
No appearance for defendant

Judgment: 20 October 2011

ORAL JUDGMENT NO 3 OF CHIEF JUDGE G L COLGAN

[1] When the matter was last before the Court on 12 August 2011, it was adjourned to today to enable the plaintiff to file and serve an amended statement of claim and for Ms Hodgson to take steps to defend that. If Ms Hodgson did not do so, the judgment of 12 August 2011¹ contemplated that a timetable would be set for proof of the claim by the defendant.

[2] I am satisfied that the plaintiff's amended statement of claim has been served on the defendant in accordance with the directions for service that I gave and that more than 45 days has expired since the amended statement of claim was served. No statement of defence or other step in the proceeding has been taken by the defendant and there is no appearance on her behalf today.

¹ [2011] NZEmpC 105.

[3] In these circumstances, the substantive proceeding will now be set down for hearing in the Employment Court at Auckland on Thursday 10 November 2011 at 10 am in courtroom 8.01 in the District Court at 65-69 Albert St Auckland.

[4] The defendant having taken no steps to defend the proceeding, and as I indicated in the judgment of 12 August 2011, the plaintiff may present its evidence by affidavit. The plaintiff's affidavits should be filed and served by midday on Wednesday 9 November 2011.

[5] The plaintiff has indicated that, at the hearing on 10 November 2011, it intends to seek an order authorising the disposal of the assets currently held on its behalf pursuant to the freezing orders and the payment of monies from bank accounts frozen.

[6] That leaves only the question of a renewal of the current freezing order which will expire at 12 noon today. I am satisfied that there should be a further freezing order in terms of the draft amended freezing order filed by the plaintiff with the exception that the date in paragraph 7 of the draft order should read Thursday 10 November 2011.

[7] A copy of this judgment should be served on the defendant. I am satisfied from the most recent affidavit of service that the defendant is no longer residing in the care facility referred to in earlier judgments and is able to be served personally by the plaintiff's process server. In these circumstances, a copy of this judgment, together with the new freezing order, should be served on the defendant within 10 days of today's date. The fact of service of these documents does not, of course, entitle the defendant to now defend the proceedings. Leave will have to be obtained for that purpose.

[8] I reserve costs on the proceedings dealt with today.

GL Colgan
Chief Judge

Judgment delivered orally at 10.18 am on Thursday 20 October 2011