

**IN THE EMPLOYMENT COURT
AUCKLAND**

**[2011] NZEmpC 30
ARC 92/10**

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

BETWEEN VAN INTERIORS LIMITED
Plaintiff

AND JACK MALIK
Defendant

Judgment: 7 April 2011

JUDGMENT OF CHIEF JUDGE GL COLGAN

[1] This challenge is dismissed for non-compliance with court directions and for want of prosecution.

[2] As long ago as 23 August 2010 the Court, by minute, required the plaintiff to file and serve an amended statement of claim that complied with reg 11 of the Employment Court Regulations 2000. Despite repeated reminders to the plaintiff by the Registrar, when the matter came before me on 21 March 2011 I issued a further minute stating that the defendant was entitled to finality in the litigation and directing that, unless the minute of 23 August 2010 was complied with by 4 April 2011, the challenge would be dismissed.

[3] I am satisfied that the minute of 21 March 2011 was served on the plaintiff but that no step has been taken to comply with those directions.

[4] In these circumstances the challenge is therefore dismissed.

GL Colgan
Chief Judge

Judgment signed at 9.15 am on Thursday 7 April 2011