

**IN THE EMPLOYMENT COURT
WELLINGTON**

**[2011] NZEmpC 138
WRC 27/11**

IN THE MATTER OF an application for leave to discontinue

BETWEEN JAIME MELGAREJO AMIEN
Applicant

AND KARL HEINZ REIPEN
First Respondent

AND AWAKINO FORTUNE LTD
Second Respondent

AND BAILEY INGHAM LTD
Third Respondent

Hearing: (on the papers)

Counsel: Kate Hay, counsel for the applicant
William Wright, counsel for the first, second and third respondents

Judgment: 26 October 2011

JUDGMENT OF JUDGE A D FORD

[1] On 5 October 2011, I issued an interlocutory judgment in this proceeding where the applicant based in the USA, had made urgent application for a freezing order and an ancillary order. In my judgment,¹ I authorised an ancillary order to be issued against the third respondent who appeared to be the firm of accountants acting for the first and second respondents.

[2] On 19 October 2011, a joint memorandum of counsel was filed in support of an application for leave to discontinue proceedings. The memorandum confirmed that the parties had arranged security suitable to the applicant and the applicant no

¹ [2011] NZEmpC 124.

longer required the issuance of a freezing order. Counsel also confirmed that it was no longer necessary for the third respondent to provide the information requested in the ancillary order. The applicant has filed a notice of discontinuance and the parties have requested consent orders.

[3] The Court congratulates counsel on reaching what would appear to be a sensible compromise and the following orders are hereby made by consent:

- i) The ancillary order dated 5 October 2011 is cancelled;
- ii) The application for leave to discontinue is granted and this proceeding is discontinued accordingly;
- iii) The sum of \$10,000 paid into Court by the applicant as security for costs is to be released to the applicant through his counsel;
- iv) No order is made as to costs.

A D Ford
Judge

Judgment signed at 2.30 pm on 26 October 2011