

IN THE HIGH COURT OF NEW ZEALAND
AUCKLAND REGISTRY

DUPLICATE

NO. CIV-2016-404-2838

UNDER Part 19 of the High Court Rules and section 239Y(4) of
the Companies Act 1993

**IN THE MATTER OF WYNYARD (NZ) LIMITED (ADMINISTRATORS
APPOINTED)** a duly incorporated company having its
registered office at Level 16, 45 Queen Street, Auckland

AND

IN THE MATTER OF NEALE JACKSON and GRANT ROBERT GRAHAM as
administrators of Wynyard (NZ) Limited (Administrators
Appointed) of Level 16, 45 Queen Street, Auckland

Applicants

ORDERS OF THE COURT

DATED 7 NOVEMBER 2016

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Barristers & Solicitors

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To: Wynyard (NZ) Limited (Administrators Appointed)

1. The originating application without notice made by Neale Jackson and Grant Robert Graham on 4 November 2016 was determined by the Honourable Justice Toogood on 7 November 2016.
2. The determination was made upon reading:
 - (a) the applicants' originating application without notice for orders under s 239Y of the Companies Act 1993 (**Act**), dated 4 November 2016;
 - (b) the affirmation of Neale Jackson in support of the applicants' originating application without notice, affirmed on 4 November 2016; and
 - (c) the memorandum of counsel for the applicants, dated 4 November 2016.
3. The following orders were made:
 - (a) that the period of 14 days for giving notice of termination of employment contracts (**Period**) under s 239Y(3) of the Act be extended in respect of Wynyard (NZ) Limited (Administrators Appointed) (**Wynyard**);
 - (b) that the Period be extended to 29 November 2016;
 - (c) that without prejudice to the applicants' right to terminate under s 239Y(3) of the Act, the Period be extended on the following terms and conditions:
 - (i) Wynyard must continue to pay salaries and wages which accrue to employees of Wynyard under employment contracts from the date of their appointment until the date of termination of such contracts under s 239Y(3) or 29 November 2016, whichever is earlier (**Extended Period**);



- (ii) Wynyard must pay annual leave which has accrued during the Extended Period to any employees of Wynyard who have their employment terminated during or at the end of the Extended Period;
- (d) that within 2 working days of the orders being granted, notice of this originating application and any orders be given to employees of Wynyard by:
 - (i) posting notice on the website www.kordamentha.com; and
 - (ii) sending a copy of those documents to each employee to the employee's email address by which Wynyard currently communicates with each employee;
- (e) the Court file in this proceeding shall be marked and treated as confidential and shall not be available for search by any person until 29 November 2016;
- (f) leave is granted to any employee to apply to modify or discharge these orders within 5 working days of service; and
- (g) leave is reserved to the applicants to apply further in respect of any ancillary orders arising out of the orders made.

Dated 7 November 2016

Signature:



(Deputy) Registrar

S MILLS
DEPUTY REGISTRAR

