

IN THE HIGH COURT OF NEW ZEALAND
AUCKLAND REGISTRY
I TE KŌTI MATUA O AOTEAROA
TĀMAKI MAKĀURAU ROHE
COMMERCIAL PANEL

CIV-2019-404-2049

UNDER section 284 of the Companies Act 1993, section 66
of the Trustee Act 1956 and Part 19 of the High
Court Rules 2016

IN THE MATTER of **HALIFAX NEW ZEALAND LIMITED (IN
LIQUIDATION)**

AND of an application by **MORGAN JOHN KELLY** and
PHILIP ALEXANDER QUINLAN

First Applicants

AND of an application by **HALIFAX NEW ZEALAND
LIMITED (IN LIQUIDATION)**

Second Applicant

AND of an application by **MORGAN JOHN KELLY** and
PHILIP ALEXANDER QUINLAN

Third Applicants

INTERLOCUTORY ORDER



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TO: the clients of Halifax New Zealand Limited (in liquidation) ("**Halifax NZ**") and Halifax Investment Services Pty Limited (in liquidation) ("**Halifax AU**")

AND TO: the Financial Markets Authority

INTERLOCUTORY ORDER

1. The interlocutory application made by:
 - (a) Morgan John Kelly and Philip Alexander Quinlan (in their capacity as liquidators of Halifax NZ ("**First Applicants**");
 - (b) Halifax NZ (in its capacity as trustee of a trust in respect of money and property held on behalf of clients but not subject to the trust of which the Third Applicants are trustees) ("**Second Applicant**"); and
 - (c) Morgan John Kelly and Philip Alexander Quinlan (in their capacity as trustees, appointed on 18 September 2019 by the Financial Markets Authority, of a trust created by regulation 246 of the Financial Markets Conduct Regulations 2014) ("**Third Applicants**"),

(the "**Applicants**"),

on 25 September 2019 was determined (in part) by the Honourable Justice Venning on 8 November 2019.

2. The determination was made without a hearing.
3. The following orders were made:
 - (a) Clients of Halifax NZ and Halifax AU are to be notified of the originating application for directions dated 25 September 2019 ("**Directions Application**") and of the orders made in respect of the interlocutory application dated 25 September 2019 ("**Interlocutory Application**"), by:
 - (i) sending by:
 - (aa) email (where an email address is known to the Applicants); or
 - (bb) post to the postal address that has been provided to the company (if a postal address, but not an email address, is known to the Applicants);

copies of the Directions Application and the orders made in respect of this Interlocutory Application to clients of Halifax NZ and Halifax AU, and advising that electronic copies of these documents and any affidavits filed in support of the Directions Application (subject to confidentiality restrictions pursuant to the orders of the Honourable Justice Venning made on 2 October 2019) can be found on the Ferrier Hodgson or KPMG website;



- (ii) posting a message on the website of Halifax NZ advising of the Directions Application and providing an electronic link to a copy of the Directions Application, any affidavits filed in support of the Directions Application (subject to confidentiality restrictions pursuant to the orders of the Honourable Justice Venning made on 2 October 2019) and any orders obtained in respect of service;
 - (iii) publishing a message on the Halifax Group platforms; and
 - (iv) posting a copy of the Directions Application, any affidavits filed in support of the Directions Application (subject to confidentiality restrictions pursuant to the orders of the Honourable Justice Venning made on 2 October 2019), and any orders obtained in respect of service on the Ferrier Hodgson or KPMG website.
- (b) Subject to the order at paragraph 3(a) above, the Applicants are not required to serve personally the Directions Application on, or otherwise give personal notice of it to, any person or entity other than the Financial Markets Authority.
 - (c) The Applicants are to provide a communication to clients (in the form of the notice annexed to the Applicants' memorandum of counsel dated 8 November 2019) advising of the Directions Application and inviting clients to respond in relation to the matters set out in the notice, at the same time and in the same manner that they provide the Directions Application to clients in accordance with the orders at paragraph 3(a) above.
 - (d) Clients of Halifax NZ and Halifax AU are to complete the relevant form(s) annexed to the notice and return them to the Applicants in the manner indicated in the form(s) within 15 working days of the notice being provided to clients if they wish to be heard in relation to the matters identified in those forms.
 - (e) Any requirement for clients to file and serve notices of opposition is to be dispensed with, pending further order of the Court.
 - (f) A case management conference is scheduled for 10am, 12 December 2019.
 - (g) The Applicants are to ensure that any responses received from clients are conveyed to the Court by way of memorandum of counsel in advance of the case management conference.

DATE: 8 November 2019

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(Registrar/Deputy Registrar)

R KUMAR
DEPUTY REGISTRAR